

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A) No. 569 of 2021

- Om Prakash Chandravanshi, S/o Baldau Chandravanshi, aged about – 30 years, Village – Jhalmala, P.S. - Pipariya, Tehsil – Kawardha, District – Kabirdham, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh through – Station House Officer, Police Station – Pipariya, District Kabirdham (C.G.)

---- State/Non-Applicant

For Applicant : Shri Kishore Bhaduri, Senior Advocate with
Shri Sabyasachi Bhaduri, Advocate

For Non-Applicant/State : Shri Anand Verma, Deputy Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

22.06.2021

1. The application is heard through Video Conferencing.
2. The applicant has preferred this first bail application under Section 438 of Cr.P.C. as he apprehends his arrest in connection with Crime No. 50/2021, registered at Police Station Pipariya, District Kabirdham (C.G.) for offence punishable under Section 376 (2) (n) of IPC.
3. Case of the prosecution, in brief, is that the applicant came in contact with the prosecutrix in October, 2017 at Jagannath Temple, Pipariya and thereafter, they started talking to each other over mobile phone. Meanwhile, the applicant developed intimacy with her and proposed her for marriage. On 6.1.2019 while the applicant was alone, he called the prosecutrix at his home at Village-Jhalmala and had forcible sexual intercourse with her. Thereafter, he had physical relations with her on many occasions till 25.1.2021. However, later on the applicant refused to marry her. Hence on report being lodged to the above effect, the aforesaid offence has been registered against applicant.
4. Learned counsel for the applicant submits that the present applicant is

falsely implicated in this case. He further submits that the prosecution has utterly failed to bring home the ingredients of 376 (2) (n) of IPC, as there is neither any deception nor any dishonest inducement of false promise of marriage, and also their physical relationship was based on voluntary communication between the complainant/prosecutrix and the applicant. Therefore, the applicant may be granted anticipatory bail.

5. On the other hand, learned counsel for the State opposes the bail application.
6. I have heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, particularly considering 164 Cr.P.C. statement of the prosecutrix and the contents of the F.I.R., I am not inclined to grant benefit of anticipatory bail to the present applicant. Accordingly, this application is hereby dismissed.
8. At this stage, learned counsel for the applicant submits that the trial Court may be directed to consider the regular bail of the applicant expeditiously in the event of surrender of the applicant.
9. If the applicant surrenders, the trial Court may decide his regular bail application expeditiously in accordance with law.

Sd/-

(Gautam Chourdiya)
Judge