

(Proceedings through video conferencing)

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 665 of 2021

- Ajay Kumar Kango, S/o Shri Kanhaiyalal Kango, aged 34 years, R/o Rajkishore Nagar, PS- Sarkanda, Dist. Bilaspur (CG)

---- Applicant

Versus

- State of Chhattisgarh Through PS Khadgava, Dist. Koriya (CG)

---- Non-applicant

For Applicant	:	Mr. Syed Ishhadil Ali, Advocate
For Non-applicant	:	Ms. Anjali S Chouhan, Panel Lawyer

Hon'ble Mr. Justice Parth Prateem Sahu

Order On Board

16/7/2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicant as he apprehends his arrest in connection with Crime No.108/2021 registered at Police Station Khadgava, District Koriya (CG) for commission of offence punishable under Section 376 (2) (n) of the IPC.
2. The prosecution story, in brief, is that present applicant on the pretext of marriage has made physical relationship with the prosecutrix on many occasions and when the prosecutrix asked him to marry her, he refused, which made the prosecutrix to lodge complaint against present applicant. Based on written complaint of the prosecutrix, instant crime is registered against present applicant.
3. Mr. Syed Ishhadil Ali, learned counsel for applicant submits that allegations levelled against present applicant, who is a government servant and working as Hostel Superintendent, Jarondha, are false and baseless. He also referred to the

documents and mobile chat between present applicant and the prosecutrix in support of his submission. He prays that present applicant be granted anticipatory bail.

4. Ms. Anjali S Chouhan, learned Panel Lawyer for the State opposes the submissions made by learned counsel for the applicant and read out the contents of FIR and statements of prosecutrix recorded under Section 164 of CrPC in support of her contention. She submits that physical relation was made only on the pretext of marriage.
5. I have heard learned counsel for the parties.
6. Taking into consideration the nature of allegations levelled against present applicant and the fact that first physical relationship made by present applicant with prosecutrix was on the pretext of marriage, I am of the view that present is not a fit case where applicant should be granted anticipatory bail. Accordingly, this anticipatory bail application is rejected.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-