

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**CRA No. 528 of 2021**

- Kishan Banjara S/o Khemraj Banjara, aged about 29 years, R/o Kodasiya Labhnipara, Tahsil Lailunga, District Raigarh, Chhattisgarh

-----Appellant**VERSUS**

- State of Chhattisgarh through: Police Station: Lailunga, District- Raigarh, Chhattisgarh

-----Respondent

For Appellant	: Mr. Manoj Kumar Jaiswal, Advocate
For Respondent- State	: Mr. Vimlesh Bajpai, Govt. Adv.
For Victim	: Mr. Ajit Kumar Yadav, Advocate

(through Video Conferencing)**Hon'ble Shri Parth Prateem Sahu, Judge**
ORDER**26/07/2021**

1. This appeal arises out of rejection of an application filed under Section 438 of CrPC filed in connection with crime bearing no. 109/2021, registered at Police Station- Lailunga, District Raigarh, Chhattisgarh, for offences defined under Sections 294, 506, 376 of IPC and Section 3(1)(10) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short "Act of 1989").
2. Appellant apprehending his arrest in crime no. 109/2021, had filed an application under Section 438 of CrPC before the Special Judge (Prevention of Atrocities) Act, Raigarh, Chhattisgarh, which was dismissed by impugned order dated 13.04.2021.
3. Case of the prosecution is, that complainant who is working as Assistant Grade-III, lodged a complaint before the concerned police station mentioning that the present applicant had made contact with her and

thereafter proposed her for love and stated that he will marry her. Thereafter, he started visiting her house occasionally. Once he visited the house of complainant, made forceful intercourse with her on the false pretext of marriage. He made physical relationship with her on several occasions stating that he would marry her. When complainant stopped giving him money, there was change in attitude of appellant and denied for marriage. Appellant also abused her in the name of caste and also stated that the complainant belongs to lower caste. On the basis of written complaint, instant crime was registered against present appellant.

4. Mr. Manoj Kumar Jaiswal, learned counsel for the appellant would submit that the relationship was consensually between both of them. Allegation of making physical relationship is of 2019 whereas complaint was lodged only on 2021. He further submits that the false allegation has been levelled against the present appellant of abusing the complainant on caste.
5. Mr. Vimlesh Bajpai, learned State counsel while opposing the submissions made by learned counsel for the appellant would submit that the application for grant of anticipatory bail is not maintainable in view of specific bar under Section 18 of the Act of 1989. He submits that at this stage merits of application cannot be considered.
6. Prosecutrix is present in person along with Mr. Ajit Kumar Yadav, Advocate through virtual mode. She stated the fact narrated in complaint and opposes the application for grant of anticipatory bail.
7. I have heard learned counsel for the respective parties.
8. Taking into consideration, the nature of allegation levelled against the appellant and the provisions under Section 18 of the Act of 1989, in the facts and circumstances of the case and the submissions made by learned counsel for the appellant, application for grant of anticipatory bail is not

maintainable.

9. In view of the above, application is hereby dismissed accordingly.
10. At this stage, learned counsel for the appellant submits that appellant is an adhoc employee, hence, a direction be issued to the Court below that if the appellant files an application for grant of regular bail after surrender, it may be decided at the earliest.
11. In the event, appellant files an application for grant of regular bail after his surrender, the Court below may decide the same at the earliest in accordance with law.

Sd/-
(Parth Prateem Sahu)
Judge