

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 916 of 2021

- Ayushmaan Dewangan Alias Ashu S/o Nishant Kumar Dewangan Aged About 20 Years R/o Vikas Vihar Colony, Near Om Hospital Raipura, Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station-D.D. Nagar, District- Raipur, Chhattisgarh

---- Respondent

For Applicant	: Shri Sakib Ahmed, Advocate
For Respondent/State	: Shri Vimlesh Bajpai, GA

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board
(Proceeding through Video Conferencing)

11.08.2021

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. 224 of 2021 registered at Police Station DD Nagar, District-Raipur,, Chhattisgarh for commission of offenses punishable under Sections 376, 323 and 506 of IPC.
2. Case of the prosecution, in brief, is that, prosecutrix lodged a written report on 30.06.2021 making allegations against present applicant that he made physical relationship with her on the pretext of marriage in the year 2019. Thereafter, applicant continuously made physical relationship on pretext of marriage and when complainant started making pressure for marriage, applicant assaulted her on 29.06.2021. On the basis of written report, instant crime has been registered against present applicant.
3. Applicant, apprehending his arrest, filed this anticipatory bail application after rejection of his application by the Court below.
4. Shri Sakib Ahmed, learned counsel for the applicant submits that as per allegations leveled against applicant, 1st intercourse was in the year 2019, thereafter, they were continuously in relationship and on number of occasions enjoyed physical

relationship. He submits that physical relationship between complainant and applicant was consensual and therefore, no offence as alleged can be made out against present applicant. He further pointed out that allegation of '*maar peet*' is absolutely false as complainant suffered no injury on her person. Applicant is aged about 20 years and passed his Class-12 examination in the year 2020. Hence, applicant be enlarged on anticipatory bail under Section 438 of CrPC.

5. On the other hand, Shri Vimlesh Bajpai, learned counsel for the State opposing the submissions of learned counsel for the applicant, submits that allegation against applicant of making physical relationship with complainant is on the pretext of marriage. After committing sexual intercourse on many occasions, he refused to marry her. On 29.06.2021, complainant was assaulted by applicant. Relating to MLC report, learned State counsel submits that number of injuries were found on person of prosecutrix/complainant by the Doctor, who examined her.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of allegations levelled against present applicant, allegations in FIR, applicant assaulted complainant on 29.06.2021, which is corroborated with MLC report, I do not find it a fit case to grant anticipatory bail to present applicant. Accordingly, bail application is rejected.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE