

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 974 of 2021**

Tameshwar Dhimar S/o Shri Ganesh Ram Dhimar Aged About 46 Years R/o Rankadih, Police Station Magarload, District Dhamtari, Chhattisgarh. (Applicant's Name and Father's Name wrongly mentioned in impugned order).

---- Applicant**Versus**

State of Chhattisgarh Through Station House Officer, Police Station Magarload, District Dhamtari, Chhattisgarh.

---- Non-applicant

For Applicant : Shri Sabyasachi Bhaduri, Advocate

For Non-applicant/State : Shri B.L. Sahu, Panel Lawyer

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

26.08.2021

1. The applicant has preferred this first bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail, as he is apprehending his arrest in connection with Crime No. 177 of 2021 registered at Police Station Magarload, District Dhamtari, C.G., for offence punishable under Sections 376, 506 of Indian Penal Code.
2. Case of the prosecution, in brief, is that, complainant and her husband were working as Labourer in Farm House of one Gend Singh Dhananjay, where applicant was Manager of Farm House. On 07.07.2021 when prosecutrix reached at her work place in Farm House, applicant called her in a room and committed forceful intercourse with her and also threatened her not to speak

about the incident, or else, she will be ousted from work and further, applicant threatened that her husband and children will be killed. Thereafter, applicant further established physical relationship on 27.07.2021 in the midnight at about 11.00 P.M. or 12.00 P.M. The applicant gave regular phone call on the mobile of the complainant, upon which, husband of complainant asked as to whose call it was, upon which, complainant has intimated the entire incident and act of applicant. Thereafter, complaint was lodged to concerned Police Station, based upon which, First Information Report was registered against the applicant.

3. Shri Sabyasachi Bhaduri, learned counsel for the applicant would submit that complainant is married lady aged about 35 years. She is working in a Farm House where applicant is manager and thereby, both of them developed relationship. Physical relation is consensual between complainant and applicant, but when it came to knowledge of her husband, only thereafter, report was lodged under pressure of her husband. He further submits that applicant has not committed offence as alleged against him, hence, he may be enlarged on anticipatory bail.
4. Per contra, Shri B.L. Sahu, Panel Lawyer for the State opposing the submissions made by learned counsel for the applicant, he read over the contents of First Information Report, statement of the prosecutrix recorded under Section 164 Cr.P.C., statement of her husband recorded under Section 161 Cr.P.C. in support of his contention and submits that applicant has established forceful physical relationship with complainant, also threatened her of life

of her husband and children, therefore, complainant had not made report of incident immediately to her husband, hence, applicant is not entitled for grant of anticipatory bail.

5. I have heard learned counsel for the parties.
6. Taking into consideration the nature of allegations and the material collected by police during the course of investigation, I do not find it to be a fit case to enlarge the applicant on anticipatory bail.
7. Accordingly, anticipatory bail application is dismissed.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Yogesh