

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1698 of 2020**

- Ajay Kumar Choure S/o Shri A. R. Choure Aged About 32 Years R/o- 54/1379, Doulat State, Daganiya Raipur, Post- Sunder Nagar, Raipur, Chhattisgarh (age as 33 years wrongly mentioned in the certified copy of the lower court & application)

---- Applicant

Versus

- State Of Chhattisgarh Through- S.H.O. P.S.- Saraswati Nagar, District- Raipur, Chhattisgarh

---- Respondent

For Applicant	:-	Mr. Neeraj Choubey, Advocate
For Respondent-State	:-	Mr. Ravish Verma, G.A.

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board**15/01/2021**

1. The applicant has preferred this application for grant of anticipatory bail, as he apprehends his arrest in connection with Crime No.156/2020, registered at Police Station Saraswati Nagar, Civil & Revenue District Raipur C.G. for offence punishable under Section 376 of the I.P.C.
2. As per the prosecution case, applicant has sexually exploited the prosecutrix on promise to marry.
3. Learned counsel for the applicant argued that applicant himself lodged the FIR against the prosecutrix in January, 2020 alleging

that the prosecutrix is trying to blackmail him and further that prosecutrix herself attended marriage function in the family of the applicant, therefore, both the parties were well known to each other and the prosecutrix is applicant's maternal aunt (*Mausi*) in relation, therefore, the present FIR is false and concocted.

4. Per contra, learned State counsel would oppose the prayer for grant of anticipatory bail. According to him, the applicant committed first sexual intercourse by administering the prosecutrix some intoxicating drink.
5. In the statement under Section 164 Cr.P.C., prosecutrix states that applicant has committed sexual intercourse without her wishes and against her own free will despite knowing that such an act is impermissible before marriage. She also states that applicant has sexually exploited her by falsely stating that he is unmarried whereas he is a married person.
6. Even if the prosecutrix happens to be the relative of the applicant and she might be aware of the marital status of the applicant, on the face of allegation of commission of rape, on promise to marry, I am of the view that present is not a fit case for grant of anticipatory bail.
7. Accordingly, the anticipatory bail application is dismissed.

SD/-
(Prashant Kumar Mishra)
Judge