

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRCA No. 1763 of 2020

1. Vikash Ekka S/o Shri Antoni Ekka Aged About 26 Years Caste-Uranw, Occupation- Constable, R/o Village- Birhipani, Thana And Tahsil Farsabahar, District, Jashpur, Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Through Police Thana- Asta, District Jashpur, Chhattisgarh

---- Respondent

For Applicant	Mr. Sanjay Agrawal, Advocate
For Respondent /State	Ms. Akshara Amit, Panel Lawyer

Hon'ble Mr. Justice Prashant Kumar MishraOrder on Board4/3/2021

1. The applicant has preferred this application for grant of anticipatory bail, as he apprehends his arrest in connection with Crime No.16/2020, registered at Police Station Asta, District Jashpur (CG), for offence punishable under Section 376 of the Indian Penal Code.
2. As per the FIR lodged by the prosecutrix, the applicant, a Constable, somehow obtained her mobile number and proposed to marry him to which she refused, but later on he reached her house on 27-9-2018 and committed forcible sexual intercourse for two days on promise to marry. Thereafter, took her to his house and again committed forcible sexual intercourse for two days on promise to marry. He again sexually exploited her for three days from 28-12-2018. Again subjected her to sexual intercourse for 15

days in his own house in May, 2019, but later on avoided to meet her on the pretext of training and later on the pretext of outbreak of COVID-19 Pandemic and eventually refused to marry her. She would further allege that presently the applicant is in relation with some other girl.

3. Learned counsel for the State, *per contra*, would oppose the bail application.
4. Considering the entire facts situation of the case, particularly considering the fact that the applicant is a Government servant, being a Constable in the police Department, and sexually exploited the prosecutrix on promise to marry from the inception, this Court is not inclined to extend the benefit of Section 438 of the Cr.P.C. to the applicant.
5. Accordingly, the anticipatory bail application is rejected. However, in the event applicant surrenders and moves the regular bail application, the jurisdictional Court shall consider and decide the same expeditiously.

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri