

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 15 of 2023**

- Daniel @ Monu Netam S/o Premsagar Netam, Aged About 18 Years, R/o Village Madinchowk Narayanpur, Tahsil and District Narayanpur (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through The Police Station Chote Dongar, District : Narayanpur, Chhattisgarh

----Non-applicant

For Applicant – Mr. Pravin Kumar Tulsyan, Advocate

For State/Non-applicant – Mr. Anil Tripathi, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey
Order on Board

28-02-2023

1. This is the first bail application filed under Section 438 of the Cr.P.C. by applicant for grant of anticipatory bail in connection with Crime No.14/2022 registered at Police Station - Chote Dongar, District - Narayanpur, Chhattisgarh for offence punishable under Section 376(2) (n), 294, 323, 506 r/w Section 34 of the IPC.
2. As per prosecution story, the FIR was registered against the present applicant on 22-11-2022 on written complaint of the complainant to the effect that the complainant is a married lady having a child of five years. Her husband is a drunkard; therefore, she left her matrimonial house and started residing along with her mother where she used to sell vegetables along with her. The applicant used to come to her shop where they met. When the applicant came to know that her husband is a drunkard, he assured her that by witchcraft her husband can get rid from bad habit of drinking wine. The complainant was called by the applicant. The applicant took her in a room, switched off the lights and, thereafter, committed forceful sexual intercourse and when the complainant started crying, he fled away. Thereafter, the applicant called

the complainant many times and committed forceful sexual intercourse without her consent. On such complaint police registered the offence as stated above.

3. Learned counsel for the applicant would submit that there was consensual relationship between the applicant and the complainant; there is delay in registration of the FIR; the applicant has falsely been implicated and she is a married lady having knowledge of pros and cons of such relationship. He would pray for grant of anticipatory bail to the applicant.
4. On the other hand, learned counsel for the State would oppose and submit that it is a case of forceful sexual intercourse. The complainant was taken to a distant place where she was forcefully exploited by the present applicant and thus, it is not a fit case for grant of anticipatory bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. From the case diary, it appears that the FIR was lodged on 22-11-2022. The applicant took the complainant who is a married lady having a child, to a distant place and committed forceful sexual intercourse and thereafter, threatened her and committed repeated sexual intercourse. It is not a case of consensual relationship. The complainant has made categorical statement against the applicant in her statements recorded under Section 161 and 164 of the Cr.P.C. Considering the material available in the case diary and the allegations made against the present applicant; I am not inclined to allow the application filed by the applicant for grant of anticipatory bail.
7. Accordingly, the application filed under Section 438 of the Cr.P.C. by the applicant for grant of anticipatory bail is rejected.

Sd/-

(Rakesh Mohan Pandey)
Judge