

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6057 of 2015

Manbodh Prajapati, S/o. Lakhan Lal, Aged About 25 Years, Caste Kumhar, R/o. Village Amora, Thana Jarhagaon, Tahsil Pathariya, Distt. Mungeli, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Jarhagaon, Distt. Mungeli, Chhattisgarh

---- Respondent

For Applicant : Mr. Vijay Kumar Mishra, Advocate

For Respondent : Mr. O.P.Sahu, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.131/2015 registered at Police Station- Jarhagaon, District Mungeli (C.G.) for the offence punishable under Section 376 of Indian Penal Code and Section 3(1)(11) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act.
2. Case of the prosecution, in brief, is that a report was made by the prosecutrix that the applicant developed relation and thereafter on the pretext of marriage committed sexual intercourse with her and subsequently refused to marry and therefore the offence has been registered.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. The applicant was in relation with the prosecutrix of her own, which shows that the consent was

existing and therefore the offence under Section 376 is not made out and, as such, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Having regard to the statement of the prosecutrix wherein she has categorically stated that forceful rape has been committed by the applicant with her, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed. However, the applicant shall be at liberty to repeat the bail application after examination of the prosecutrix.

Sd/-
(Goutam Bhaduri)
Judge