

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5953 of 2015

1. Rajendra Kumar Paikra, S/o. Ram Prasad Paikra, aged about 34 years, Occupation- Govt. Service, R/o. Village-Kotba, Chowky Kotba, Tahsil-Pathalgaon, Civil and Revenue District – Jashpur, District Jashpur (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Police Station – Gharghoda, District Raigarh (C.G.)

---- Respondent

For Applicant	: Mr. Sanjay Agrawal, Advocate
For Respondent/State	: Mr. S.R.J. Jaiswal, Panel Lawyer
For Objector	: Ms. Madhunisha Singh, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.304/2015, registered at Police Station – Gharghoda, District – Raigarh (C.G.) for the offence punishable under Section 376 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 20.09.2015, the prosecutrix lodged a written report against the petitioner before the Police Station Gharghoda alleging that the applicant on the pretext of marriage committed sexual intercourse and subsequently when she became pregnant, at the instance of the applicant, the child was aborted. Consequently it is stated that on the pretext of marriage, she has been sexually exploited.

3. Learned counsel for the applicant would submit that the prosecutrix is about 36 years of lady and on the earlier occasion also, lodged similar nature of report against another person namely Raja Ram Prajapati, wherein the said person was granted anticipatory bail by this Court on 21.07.2009. He would further submit that she is in habit of doing so and even the FIR is lodged after delay of about 15 months. He would further submit that the applicant has been falsely implicated in this case and the charge sheet has been filed. Therefore, he prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State and the objector opposes the bail application and submit that according to the statement under under Section 164, categorical statement has been made that prosecutrix was subjected to forceful intercourse without her consent and in the year 2014, she became pregnant and was forced to abort the child and on the pretext of marriage, she was subjected to forceful intercourse.
5. I have heard learned counsel appearing for the parties.
6. Having regard to the statement of the prosecutrix under Section 164 and the written report, wherein categorical statement is made that forceful rape has been committed by the applicant, at this stage it can not be stated that the said statements have been falsely made, therefore, I am not inclined to allow this application at this stage.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge