

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 1144 of 2015

Bablu Gupta @ Santosh Gupta, son of Kishorilal Gupta, aged about 45 years, r/o Ward No.11, Jogipana Mohalla, Police Station Niwadi (wrongly mentioned as Nimadi in the order sheet), Civil and Revenue District Tikamgarh (M.P) **--- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Sirgitti, District Bilaspur, Chhattisgarh. **--- Respondent**

For the applicants : Mr. Dharmesh Shrivastava, Advocate.

For the Respondent : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27.11.2015

1. Apprehending arrest in connection with Crime No. 309 of 2014 of registered at Police Station Sirgitti, Distt. Bilaspur, Chhattisgarh for the offences punishable under Sections 366, 342, 368, 370, 506 & 376 IPC, the applicant has filed this application under Section 438 Cr.P.C.
2. As per the prosecution case, one complaint was lodged by complainant victim Kranti Bai prosecutrix that she was allured and forcibly taken by one Sandeep Chaurasia and thereafter he committed sexual intercourse and subsequently she was sold to one Neeraj Gupta wherein this applicant also helped the commission of crime. Subsequently, from Bilaspur she went to Rewa and thereafter to Tikamgarh and thereafter fled away to Jhansi wherein she was helped by one Sunil Sahu and she boarded the train and sometime after coming back lodged report.
3. Learned counsel for the applicant submits that initially the applicant has not been named in statement under section 161 and 164 CrPC but the applicant has been named by the prosecutrix in the

supplementary statement u/s 161 and he was only witness to an agreement wherein it was stated that the prosecutrix was married to Neeraj Gupta. He further submits that looking to the above background, no allegations have been made against the applicant therefore he has been falsely implicated.

4. Per contra, learned State counsel opposes the same. He submits that the supplementary statement of the prosecutrix was recorded on 16.08.2015 wherein the allegations have been levelled against this applicant also. He further submits that the applicant has not cooperated in the investigation, as he is absconding, consequently benefit of provisions of section 438 CrPC cannot be granted to the applicant.
5. The charge sheet in this case has been filed in absence of the accused. In the supplementary statement u/s 161 CrPC, the prosecutrix has categorically named this applicant and it is alleged that the prosecutrix was forced to remain in captivity with the help of this applicant. In the supplementary statement this applicant has also been named and further taking into account that the applicant was absconding and the charge sheet has been filed in his absence, I am not inclined to release the applicant on bail.
6. Accordingly this application is rejected.

Sd/-
GOUTAM BHADURI
JUDGE