

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6240 of 2015

Arvind Bak, S/o. Shiwram Bak, aged 19 years, R/o Village Sambalpur P.S. Jainagar, District Surajpur (C.G.)

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Jainagar District Surajpur (C.G.)

---- Respondent

For Applicant	:-	Shri J.K. Shastri, Advocate
For Respondent/ State	:-	Shri Ashok Swarnkar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

23/11/2015

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. 160/2015 registered at Police Station- Jainagar, District – Surajpur (C.G.) for the offence punishable under Section 376 of IPC.
2. As per the case of prosecution, on 21.09.2015 at about 2.00 PM the applicant went to the house of the prosecutrix and he was talking with father and brother because the prosecutrix's husband the applicant were cousin brothers. On the same day at about 4.00 PM when no one in the house at that time he forcefully committed sexual intercourse with the prosecutrix and raped upon her. Thereafter, a case has been registered against the present applicant for the offence punishable under Section 376 of IPC.

3. Counsel for the applicant submits that the applicant is relative of the prosecutrix and he has been falsely implicated in this case.
4. On the other hand, counsel for the State opposes the prayer for bail.
5. Having heard learned counsel for the parties, taking into consideration the facts and circumstances of the case, particularly the statement of the prosecutrix wherein the direct allegation against the present applicant, I am of the opinion that it is not a fit case where the applicant can be released on bail. Accordingly, the application is rejected at this juncture with liberty to revive the same after the statement of the prosecutrix is recorded.

Sd/-
(Goutam Bhaduri)
Judge