

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6269 of 2015

Birbal Prasad Bharte S/o- Chhat Ram, aged about 30 years, caste-
Suryavanshi, Resident of Village Nariyara, Police Station- Mulmula
Tahsil Akaltra, District Janjgir Champa (C.G.)

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Shivrinarayan District
Janjgir Champa (C.G.)

---- Respondent

For Applicant	:-	Shri Vikash Pandey, Advocate
For Respondent/ State	:-	Shri O.P. Sahu, Government Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

24/11/2015

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. 182/2015 registered at Police Station- Shivrinarayan, District – Janjgir Champa (C.G.) for the offence punishable under Section 376 of IPC.
2. As per prosecution case, the applicant on the pretext of having relation with the prosecutrix and had been sexually exploiting for a considerable period and subsequently, got married with another girl. 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 has been falsely implicated in this case and he is in jail since 24.09.2015,
4. On the other hand, counsel for the State opposes the prayer for bail.

5. Having regard to the statement of the prosecutrix recorded under section 161 of Cr.P.C. and 164 of Cr.C.P. wherein prosecutrix has stated that the applicant has committed the rape. I am of the opinion that it is not a fit case where the applicant can be released on bail.
6. Accordingly, the bail application is rejected.

Sd/-

(Goutam Bhaduri)
Judge

Santosh