

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6566 of 2015

Shekhar Singh Yadav S/o. Sona Singh Yadav, aged about 21 years, R/o. behind Janak Hospital Daroga Muda, Raigarh, Tahsil and District Raigarh (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station- A.J.K. Raigarh District Raigarh (C.G.)

---- Respondent

For Applicant	:-	Shri Ashish Gupta, Advocate
For Respondent/State	:-	Shri O.P. Sahu, G.A.

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, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 543/2015, registered at Police Station- A.J.K. Raigarh (C.G.) for the offence punishable under Sections 363,376/34 of IPC and section 4,8 Protection of Children from Sexual Offences Act and section 3(i)(xii) of the Scheduled Caste and Scheduled Tribe Act.
2. As per the prosecution case, in brief, is that the applicant along with the other co-accused kidnapped the prosecutrix and taken to Robotson Station and forcefully committed sexual intercourse with the prosecutrix. Thereafter, the other co-accused Milan Mahant has committed sexual intercourse with the prosecutrix in between the period from 16 to 20 July 2015, thereafter both the accused have kept the prosecutrix in their captivity and committed sexual intercourse with her in between the period from 20 to 24 July 2015. Subsequently, a report was made against this applicant and the

other co-accused and on the basis of the above report, the offence punishable under sections 363,376/34 of IPC and section 4,8 Protection of Children from Sexual Offences Act and section 3(i)(xii) of the Scheduled Caste and Scheduled Tribe Act was registered.

3. Counsel for the applicant submits that the applicant has been falsely implicated in this case and the medical report also not supported the case of the prosecution and therefore, he may be enlarged on bail.
4. State counsel opposes the prayer for bail application.
5. Having regard to the fact and the statement of the prosecutrix wherein she has specifically stated that she was kept by two persons in their captivity and the allegation leveled against the applicant; I am not inclined to release the applicant on bail at this stage.
6. Accordingly, the bail application is dismissed.

sd/-
(Goutam Bhaduri)
Judge