

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6569 of 2015

Bhushan Yadav, son of Rekha Ram Yadav, aged about 37 years, resident of village Bhatgaon, O.P. Jevra Sirsa, Police Station Pulgaon, District Durg (C.G) ... **Applicant**

Vs.

State of Chhattisgarh, through Station House Officer, P.S. Pulgaon, District Durg (C.G) ... **Respondent**

For the applicant	:	Mr. Amiyakant Tiwari, Advocate.
For the Respondent	:	Mr. Anant Bajpai, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03.12.2015

1. This is an application filed u/s 439 of the Code of Criminal Procedure seeking granting of regular bail to the applicant in connection with Crime No.373/2015 registered at Police station Pulgaon, Distt. Durg (C.G) for the offences punishable under sections 376 (Gha), 37(2) (dha), 506, 312, 34 IPC.
2. As per the prosecution case, on 21.07.2015, a report was lodged that the applicant along-with other accused used to come to the house of prosecutrix in absence of her mother and thereafter committed forcible sexual intercourse and the matter came to the light when the prosecutrix became pregnant and after termination of pregnancy, a report was lodged.
3. Learned counsel for the applicant submits that the statement recorded under Section 161 Cr.P.C., would show that the prosecutrix was a consenting party and 3 persons have been named and the matter was reported by the mother only when the prosecutrix became pregnant. He also submits that the applicant is in jail since 22.07.2015 and looking to the period of detention, he may be

enlarged on bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail and submits that because of the fact that the prosecutrix was also mentally retarded the offence has been committed.
5. I have gone through the charge sheet and other documents available in the case diary. One of the document purports that the prosecutrix was mentally retarded which is still to be examined and adjudicated at the time of trial
6. Considering the nature of allegations and the way the in which offence committed, and on perusal of the statement of witnesses and the documents, I am not inclined to allow the bail application at this stage. Accordingly, it is rejected.

Sd/-
GOUTAM BHADURI
JUDGE