

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6879 of 2015

Surendra Singh, S/o. Lt. Shri Shivram, Aged about 18 years, R/o. Ward No. 16, P.S. Charcha, District Korea (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through – Police Station- Charcha District Korea (C.G.)

---- Respondent

For Applicant : Mr. Manish Sharma, Advocate

For Respondent : Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/12/2015

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. 107/2015 registered at Police Station- Charcha, District – Korea (C.G.) for the offence punishable under Sections 450,376 of IPC with section 4 of Protection of Children from Sexual Offence Act, 2012.
2. As per the prosecution case on 22.06.2015 a report was made by the prosecutrix that one Sonu has committed rape on her on the pretext of marriage and while making such report it was stated prior to six months back Surendra and Sachin Yadav had also committed rape on her. Therefore, the investigation has been made for the offence punishable under Sections 450,376 of IPC with section 4 of Protection of Children from Sexual Offence Act, 2012 and the applicant was arrested on 31.10.2015.

3. Counsel for the applicant submits that the allegations so made are completely bald as initially no report was made against this applicant. However, the report was made on 22.6.2015 i.e. on the alleged date of incident on 21.06.2015 and the rape was committed by Pappu and this applicant has wrongly been inculpated and statement would not be admissible in view of section 8 of the Evidence Act and therefore, he may be enlarged on bail.
4. Per contra State counsel opposes the prayer for grant of bail and submits that according to the statement of the prosecutrix she categorically named the applicant but out of fear the report was not made and therefore, he should not be enlarged on bail.
5. Having regard to the fact and perusal of the statement of the prosecutrix wherein she has categorically stated that the present applicant has committed rape on her and threatened that if she discloses the fact to any one she would be killed, Considering the such statement this Court is of the opinion, that present is not a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application is dismissed.

Sd/-

(Goutam Bhaduri)
Judge