

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6165 of 2015

Ajay Kushwaha, S/o. Late Gulab Kushwaha, Aged About 34 Years, R/o. Bhatthi Road, Kedarpur, Ambikapur, P.S. Ambikapur, Distt. Surguja, Civil & Revenue District Surguja, Chhattisgarh

---- Applicant

Versus

The State Of Chhattisgarh, Through: Police Station- Sitapur, District Surguja, Chhattisgarh

---- Respondent

For Applicant : Mr. A.K.Prasad, Advocate

For Respondent : Mr. O.P.Sahu, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

30/11/2015

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.139/2015 registered at Police Station- Sitapur, District Surguja (C.G.) for the offence punishable under Section 363, 366(a), 376 of Indian Penal Code and Section 3(2-5) of SC/ST Prevention of Atrocities Act and Section 3(a)/4 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 19.06.2015 at about 10 pm, the applicant abducted the prosecutrix and took her to Sedam Bazar in the Auto Rikshaw and thereafter took away her garments and tried to commit oral sexual intercourse.
3. Learned counsel for the applicant submits that the Doctor has not supported the case of the prosecution that she was subjected to rape and reading the statement of the father and the prosecutrix

alongwith medical evidence, the case of the prosecution is not made out. He further submits that the applicant is in jail since 21.06.2015, therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. I have gone through the statement recorded under Section 161 and 164 wherein the prosecutrix has supported the case of the prosecution, therefore, considering the statement of the prosecutrix, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge