

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7167 of 2015

Kheluram Bharti, S/o. Pahlaji Bharti, aged about 45 years, R/o. of Village- Bhasera, Police Station and Tahsil Fingeshwar, Civil District Raipur and Revenue District Gariyaband (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station – Fingeshwar Civil District Raipur and Revenue District Gariyaband (C.G.)

---- Respondent

For Applicant	:-	Mr. K.K. Dewangan, Advocate
For Respondent /State	:-	Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

22/12/2015

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. 138/2015, registered at Police Station – Fingeshwar District Gariyaband (C.G.) for the offence punishable under Sections 376 of IPC.
2. Case of the prosecution, in brief, is that on 27.08.2015 the prosecutrix lodged a report against the present applicant. It is alleged that when the prosecutrix went for cutting grass, at that time the applicant caught hold out the prosecutrix and forcefully committed rape on her. Thereby the offence is committed.
3. Counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case and he is in jail since 28.08.2015; therefore, he may be enlarged on bail.
4. State counsel opposes the prayer for grant of bail.

5. Perused the case diary and the statement of the prosecutrix.
Perusal of the case diary and the statement of the prosecutrix wherein positive statement has been made by her, wherein it is stated that the applicant forcefully committed rape on her, therefore, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application is dismissed.

Sd/-

(Goutam Bhaduri)
Judge