

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6727 of 2015

Manoj Kumar Giri S/o. Bankat Giri, aged about 21 years, by Caste Goswami, R/o. Village Balampur, Khthrapara, Police Station-Sitapur, District Sarguja (C.G.)

Present Address- Kenabandh, Ambikapur, Police Station-Ambikapur District Sarguja (C.G.)

. ---- **Applicant**

Versus

State Of Chhattisgarh, Through: Station House Officer, Police Station- AJAK Ambikapur District Sarguja (C.G.)

---- **Respondent**

For Applicant : Mr. Sushil Dubey, Advocate

For Respondent : Mr. Anupam Dubey Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08/12/2015

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. 10/2015 registered at Police Station- AJAK, Ambikapur, District- Sarguja (C.G.) for the offence punishable under Sections 376,450,506(B) of Indian Penal Code and 3(2) (5) of Scheduled Caste and Scheduled Tribe Prevention of Atrocities Act.
2. Case of the prosecution is that on 29.08.2015 at about 6.00 PM the prosecutrix was sleeping alone in her house at that time the applicant has entered into the house of the prosecutrix and forcefully committed rape on her and threatened the prosecutrix to kill her if she disclosed the fact. Thereafter the prosecutrix lodged the report against the present applicant and he was arrested for the offence punishable under Sections 376,450,506(B) of Indian

Penal Code and 3(2) (5) of Scheduled Caste and Scheduled Tribe Prevention of Atrocities Act.

3. Counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case. He further submits that the prosecutrix is aged about 20 years and she was consenting party. He further submits that no injury was found in the medical report and therefore, he may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Having gone through the statement of the prosecutrix recorded under section 161 of Cr.P.C. wherein she specifically stated that the applicant has committed sexual intercourse with her. Considering the statement of the prosecutrix under section 161, I am not inclined to release the applicants on bail.
6. Accordingly, the bail application is dismissed.

Sd/-

(Goutam Bhaduri)
Judge