

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7206 of 2015

1. Prashant Bosake S/o. Maniram Bosake, aged about 35 years, R/o. Village Gukhera, Police Station- Arang, Civil and Revenue District Raipur (C.G.) presently R/o. of Village- Indagaon, District- Gariyaband (C.G.).
2. Subodh Masih, S/o. Sanjay Masih Bosake, Aged about 27 years, R/o. Koylabhatti, Village- Indagaon, District- Gariyaband (C.G.)

---- Applicants

Versus

State of Chhattisgarh Through Station House Officer, Police Station – Nandghat, outpost Maro, District Bemetara (C.G.)

---- Respondent

For Applicants	:-	Mr. Devershi Thakur, Advocate
For Respondent /State	:-	Mr. Vinod Takam, 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 applicants who have been arrested in connection with Crime No. 09/2015, registered at Police Station – Indagaon, District – Gariyaband (C.G.) for the offence punishable under Sections 354,342,376,328,506 of IPC.
2. Case of the prosecution, in brief, is that the victim Ku. Mamta Yadav, who was working as Anganbadi worker. The applicants by force gagged her mouth and took her in the house of the applicant No.1 (Prashan Bosake), wherein three persons committed forcefully sexual intercourse with the prosecutrix against her will and she was also threatened, if she disclosed the fact to anyone then the video, prepared by them will be uploaded in the INTERNET. After committing rape on the prosecutrix she became

unconscious and she tried to come out from the room but the room was locked from out side. Subsequently, on an alarm being raised few persons and the family members of the applicant came there and rescued her by breaking the door from out side. Thereby the offence is committed.

3. Counsel for the applicants submit that the applicants are innocent and they have been falsely implicated in this case. He further submits that according to version of the prosecutrix, she has initially changed her version time and again which cannot be believed and the way the incident is reported and the same appears to be exaggerated. He further submits that the drug which was given to the victim was tested and found that it was given only for controlling of blood pressure. He further submits that no injury was also found on the body of the prosecutrix and therefore, the applicants 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 victim recorded under section 164 of Cr.P.C and the statement of the other witnesses namely Makradhwaj, Kailash and Khelawan, prima-facie, it appears that the offence have been committed by the applicants. Therefore, I am not inclined to release the applicants on bail.
6. Accordingly, the bail application is dismissed.

Sd/-

(Goutam Bhaduri)
Judge