

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 986 of 2015

1. Smt. Sohadara Bai W/o Shri Ramsumer Aged About 36 Years R/o Village Reewagahan, Thana Dongargarh, Civil & Revenue Distt. Rajnandgaon (Chhattisgarh) At Present R/o Bhatar, Distt. Surat (Gujrat)
2. Ramsumer S/o Harilal Aged About 40 Years Village Reewagahan, Thana Dongargarh Civil & Revenue Distt. Rajnandgaon (Chhattisgarh) At Present R/o Bhatar, Distt. Surat (Gujrat). (Wrongly Mention Sumer Singh In Cause Title)

---- Applicants

Versus

1. State Of Chhattisgarh Through: Station House Officer, Police Station Dongargarh, Civil & Revenue Distt. Rajnandgaon (Chhattisgarh).

---- Respondent

For Applicants.

: Shri Sunil Sahu, Advocate.

For Respondent/State.

: Shri Vinod Tekam, Panel Lawyer.

Order On Board

12/10/2015

Heard.

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.181/2014, registered in Police Station- Dongargarh, District -Rajnandgaon (C.G.), for alleged commission of offence under Section 363, 366, 376/34 of IPC And Section 3 & 4 of Protection of Children's from Sexual offences Act 2012.
2. Case of the prosecution is that the applicant no. 2 and another co-accused have committed rape on a girl aged about 16 years.
3. Learned counsel for the applicants submits that the victim has falsely implicated the applicant in the offence in question and she also lodged the report against the applicant for alleged commission of offence only when she returned to State of Chhattisgarh at Dongargarh. As per applicant No. 1, she has no role to play in the commission of offence.

4. On the other hand, learned state counsel opposes the bail application and submits that the prosecutrix is only 16 years of age. He further submits that the victim was raped by the applicant no. 2 and at that time, she was caught hold and she was kept in the house of the applicant no. 1.

5. Taking into consideration the submissions made by learned counsel appearing for the parties and looking to the nature and gravity of the offence, I am not inclined to grant anticipatory bail to the applicants. Thus, the bail application is rejected.

Sd/-

Manindra Mohan Shrivastava

Judge

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