

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5675 of 2015

1. Kapil Dev Singh @ Kapil Muni, S/o. Babulal Singh, aged about 25 years, Occupation- Driver, R/o. Village Maja, PS & Tahsil – Lakhanpur, District Sarguja (Ambikapur)

----Applicant

Versus

1. State Of Chhattisgarh, Through : the Station House Officer, Police Station Lakhanpur, District Sarguja (Ambikapur (C.G.)

---- Respondent

For Applicant	: Mr. Jitendra Shrivastava, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26/10/2015

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.159/2015, registered at Police Station – Lakhanpur, Sarguja (Ambikapur) (C.G.) for the offence punishable under Section 376 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 15.05.2015, the applicant took the prosecutrix and she was kept in the house of relative of the applicant and committed sexual intercourse with her for a period of four months and subsequently assaulted the prosecutrix and left the prosecutrix in her parental house. Thereafter, a report was lodged on 23.09.2015 and the case was registered.
3. Learned counsel for the applicant would submit that initially on 15.05.2015, the prosecutrix went alongwith the applicant and

thereafter till four months, no report was lodged. He would further submit that since there was different in the community, the false report has been lodged. Therefore, he prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application and would submit that on the written report made by the prosecutrix, the offence was registered and the investigation is still going on.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perusal of the case diary shows that investigation is going on and the applicant is arrested on 26.09.2015. Having considered the same as the investigation is still going on, taking into totality of the fact collected, predominantly, the charge sheet has not been filed, considering the same, at this stage, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-

(Goutam Bhaduri)
Judge