

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5718 of 2015

1. Buntty @ Karan Sharma, aged about 26 years, S/o. Gulshan Sharma, R/o. Birgaon, P.S. Khamtarai, District Raipur (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : SHO, P.S. Khamtarai, Raipur, District Raipur (C.G.)

---- Respondent

For Applicant : Mr. V.C. Ottalwar, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27/10/2015

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.333/2015, registered at Police Station – Khamtarai, District Raipur (C.G.) for the offence punishable under Section 323, 506B, 442, 120B, 376, 354 of I.P.C.
2. Case of the prosecution, in brief, is that on 06.09.2015, written complaint was lodged by the complainant alleging that the present applicant, Bunti Sharma called the victim to meet him then she came to meet him near Narayana Hospital then the applicant forced her to drink and thereafter left alongwith Manik Bagga and thereafter, the other co-accused, Manik Bagga committed marpit and raped with her.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that the

primary allegation of the rape is against Manik Bagga and the present applicant is only accompanied. 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 read out the statement of the victim, wherein it is stated that while the victim was being taken in the car, the applicant, Bunti Sharma also tried to molest her and thereafter left her in the custody of Manik Bagga.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the statement of the prosecutrix and the way the offence has been committed, 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 with liberty to revive the same after examination of the prosecutrix.

Sd/-
(Goutam Bhaduri)
Judge