

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 448 of 2016

1. Ashok Chandraker, S/o. Sampat Chandraker, Aged About 33 Years.
2. Santosh Chandraker, S/o. Sampat Chandraker, Aged About 36 Years.
3. Suresh Chandraker, S/o. Mohan Chandraker, Aged About 30 Years.

All are R/o. Village Nawagaon Musau, Police Station Kunda,
District Kabirdham, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through the Police Station Kunda, District
Kabirdham, Chhattisgarh.

---- Respondent

For Applicants : Mr. Somnath Verma, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

01/07/2016

1. Apprehending arrest in connection with Crime No.46/2016 registered at Police Station- Kunda, District Kabirdham (C.G.) for the offence punishable under Section 376-D, 506, 456/34 of Indian Penal Code, the applicants have preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. Case of the prosecution, in brief, is that on 20.03.2016, at about 11:30 p.m., the applicants entered into the house of the prosecutrix and thereafter committed forceful rape with her.

3. Learned counsel for the applicants submits that the report was made on 21.03.2016 and the delay is not explained. He further would submit that the medical report also do not support the case of the prosecution, therefore, the applicants have been falsely implicated in this case and consequently they may be released on anticipatory bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statement of the prosecutrix wherein specific allegations have been attributed to these applicants. Considering the statement of the prosecutrix, this is not a case where the benefit of anticipatory bail can be extended to the applicants.
6. Accordingly, the bail application filed under Section 438 of Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge