

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3511 of 2016

- Mohammad Lukman @ Monu S/o Shri Mohammad Islam Aged About 25 Years R/O Village Kukda P.S. Sipat, Distt. Bilaspur Civil And Rev. Distt. Bilaspur Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through Police Station Civil Lines Distt. Bilaspur Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Dheerendra Pandey, Advocate
For the Respondent	:	Mr. Sumit Jhawar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

11.07.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 118 of 2016 registered at P.S. Civil Lines, Bilaspur (C.G) for the offence punishable under Sections 363, 365, 366(A), 370(A), 376, 343, 506, 34 IPC & Section 3(1)(xii), 3(2(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 and sections 5 & 6 of the Protection of Children from Sexual Offences Act.
2. As per the prosecution case, the victim was a minor girl and was a student. She used to reside in Scheduled Caste Women Welfare Hostel at Bilaspur. The allegation is that on different occasions in between January 2016 to February 2016 she was subjected to sexual intercourse by different persons including the present applicant and other accused and she was being called through and taken by one Sonam @ Jyoti. It is also alleged that the victim was threatened that

some video would be made viral if she does not accede to the requirements of the applicant and other co-accused.

3. Learned counsel for the applicant would submit that the applicant is a teacher who has been falsely implicated in this case and on the date of incident which is alleged to have taken place on 7.01.2016 and 11.1.2016, the applicant was very much present in the school which would show that the applicant has been falsely inculpated. It is further submitted that the call details of the victim girl would also show that she has not gone out from the school and she was very much present in the hostel and taking into fact that the applicant has been falsely implicated, he may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and the statement of the victim as also the statements of warden Sharda Dhritlahre and other statements which show that the victim girl was subjected to threat that some video would be made viral if she does not accede to their desires and thereby she was subjected to forcible sexual intercourse.
6. Taking into such statements, I am not inclined to release the applicant on bail. Accordingly, the bail application is rejected.

**Sd/-
GOUTAM BHADURI
JUDGE**