

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4049 of 2016

Tejkumar Yadav S/o Mahendro Yadav (But Wrongly Mention in the order as Mahendra Yadav) Aged About 25 Years Cast Gayar, R/o Jorandajhariya, P.S. & Tumla, District Jashpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Tumla, District Jashpur, Chhattisgarh.

---- Respondent

For applicant - Shri A.N. Pandey, Advocate.
For Respondent/State – Shri Lav Sharma, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

26/07/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.98/2015 registered in Police Station Tumla Distt-Jashpur (C.G.) for offence punishable under sections 354(B), 325, 376 of Indian Penal Code and u/s 7 & 8 of Protection of Child from Sexual Offences.
2. As per the prosecution case, on 18/11/2015 prosecutrix a minor girl while she was returning to her home, at that time applicant stopped and slapped her on the point of knife committed forcible sexual intercourse. Thereby, offence is committed.
3. Learned counsel for the applicant submits that statement of the prosecutrix was recorded two times on 26/11/2015 and 27/11/2015 and in first statement no allegation of rape was made. He further submits that under the facts of the case, the applicant has been falsely implicated, therefore he may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail.

5. Perused the statement of the prosecutrix under Section 161 and 164 of Cr.P.C. recorded on 26/11/2015 and 27/11/2015 and thereafter also medical evidence. Considering the positive statement, this court is not inclined to release the applicant on bail.

6. Accordingly, the bail application is dismissed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE