

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4407 of 2016

1. Takeshwar Sahu, S/o. Jivrakhan Lal Sahu, aged about 25 years,
 2. Kamdeo, S/o. Shri Iya Ram Sahu, aged about 24 years,
- Both are R/o. Village-Bharuwadih, P.S. Chowki-Gidpuri, P.S. & Tahsil – Palari, District – Baloda Bazar – Bhatapara (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Chowki- Gidhpuri, P.S. - Palari, District – Baloda Bazar – Bhatapara (C.G.)

---- Respondent

For Applicants	: Mr. C.R. Sahu, Advocate
For Respondent/State	: Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/08/2016

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 applicants who have been arrested in connection with Crime No.191/2016, registered at Police Station – Palari, District- Baloda Bazar – Bhatapara (C.G.) for the offence punishable under Section 376 (D) of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made on 19.05.2016 by the prosecutrix alleging that both the applicants have extended threat to her that they will kill her husband and has committed sexual intercourse.

3. Learned counsel for the applicants submits that the prosecutrix was in physical relation with the applicant No.2– Kamdeo prior to one year and no report has been made and subsequently, the name of the applicant No.1, Tarkeshwar has been inculpated and he has not committed any offence. It is further submitted that the prosecutrix was a consenting party, therefore, the counsel prays that the applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of the prosecutrix, wherein positive statements have been made against the applicants. Taking into such statement, I am not inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge