

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6808 of 2016

Harishankar Chandra @ Shankar Chandra S/o Devsingh Chandra, Aged About 58 Years R/o Village Ucchbhitthi, Police Station Kosir, Tahsil Sarangarh, District Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Kosir, District Raigarh, Chhattisgarh.

---- Respondent

Shri Awadh Tripathi, counsel for the applicant/s.
Shri Chandresh Shrivastava, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

15/11/2016

Heard.

The applicant has been arrested in connection with Crime No.74/2016 registered at Police Station – Kosir, Distt. - Raigarh (CG) for alleged commission of offences under Section 376 (2) (g), 306, 450, 340, 34 of IPC and Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution is that the prosecutrix, a minor girl aged 15 years was raped and the allegation against the applicant is that the applicants and other persons who were present in the house of the prosecutrix, aided commission of offence.

3. Learned counsel for the applicant submits that the allegation against the applicant are false and fabricated. There is a history of enmity between the family of the prosecutrix and the applicant and a criminal case was lodged against the applicant, in which, he was acquitted. It is further submitted that the allegation of rape is not against the applicant but against other co-accused. The applicant is said to be only present at the spot where the prosecutrix has been raped. It is

further submitted that only name of the applicant has been mentioned, who is an old man aged 58 years, whereas, statement of the girl shows that only young boys were present at the spot. Therefore, it is a case of false implication. He further submits that as the investigation is complete and charge sheet has been filed, the applicant may be granted bail.

4. On the other hand, learned State counsel opposes bail application and submits that the deceased was minor in age and she was ravished by the associates of the applicant. He submits that number of persons, including the applicant entered into the house of the girl, closed the door and subjected her to rape in which, the applicant was also present.

5. Taking into consideration the submission, particularly taking into consideration the dying declaration of the deceased, I am not inclined to grant bail to the applicant.

6. The application is therefore rejected.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge