

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7521 of 2015

- Balram Singh S/o Nanhai Singh Aged About 65 Years
Occupation Hostel Superintendent, Employee (Private), R/o
Village Muljeem Para Sitapur, P.S. & Tahsil Sitapur, Distt.
Ambikapur Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through The Station House Officer, Police
Station Sitapur, Distt. Ambikapur Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Jitendra Shrivastava, Advocate.
For the Respondent	:	Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

13.01.2016

1. This is an application filed u/s 439 of the Code of Criminal Procedure seeking granting of regular bail to the applicant in connection with Crime No. 239 of 2015 registered at Police station Sitapur Distt. Surguja (C.G) for the offences punishable under sections 376, 342 & 506 of IPC.
2. As per the prosecution case, the prosecutrix was working as cook alongwith his mother in the hostel of Gyan Sthali Public School, Sitapur. The allegation against the applicant is that he was working as Manager in the said hostel and taking the advantage of his position, he committed rape on her and threatened her of dire consequences if the incident is disclosed to anybody. Thereafter, it is further alleged that she was continuously sexually exploited by the applicant for four months. When the applicant has gone to his home, at that time, the prosecutrix has reported the matter.
3. Learned counsel for the applicant submits that the way the offence has been stated to have been reported is completely improbable and even the actual date of commission of rape has not been mentioned and for a period of 4 months, it has been stated that the prosecutrix was sexually exploited. He therefore submits that it is false implication. It is further stated that son of applicant is suffering from decease and both his kidneys have

been failed and consequently, the applicant may be enlarged on bail.

4. Perused the statement of prosecutrix wherein positive allegations have been made and it is stated that after the applicant had gone to his village, then the report was made.
5. Taking into the statement of the prosecutrix, I am not inclined to allow this application. Accordingly, it is dismissed.

Sd/-

**GOUTAM BHADURI
JUDGE**

Rao