

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 154 of 2016

Santosh Kumar, S/o. Shri Sunderlal, Aged About 22 Years, By Caste Satnami, Occupation Nothing, R/o. Village Gobra, Police Station Dabhra, Distt. Janjgir Champa, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through District Magistrate Janjgir Champa, Police Station Dabhra, Distt. Janjgir Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ajeet Kumar Yadav, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/01/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.235/2015 registered at Police Station- Dabhra, District Janjgir-Champa (C.G.) for the offence punishable under Section 376 of I.P.C.
2. Case of the prosecution, in brief, is that, on 17.09.2015 the applicant committed sexual intercourse with the prosecutrix who was mentally retarded and was related to the applicant as nephew, which was seen by few of the witness, therefore, the matter was reported.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and he has not committed any rape with the prosecutrix. He further submits that the charge sheet in this case has been filed and the applicant is in jail since 18.09.2015, therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the facts and circumstances of the case and further taking into fact the eye-witness narrated the fact that the applicant has committed rape with the mentally retarded lady, prima facie, considering the evidence available, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge