

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4853 of 2016

1. Chandraprakash @ Gothu, S/o. Shri Milram Patel, aged about 50 years, R/o. Village-Sunsuniya, Police Outpost- Lawan, Thana – Kasdol, Civil and Revenue District – Baloda – Bazar, Bhatapara (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Kasdol, Police Outpost – Lawan, Civil and Revenue District – Balodabazar-Bhatapara (C.G.)

---- Respondent

For Applicant : Mr. Sunil Sahu, Advocate

For Respondent/State : Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/08/2016

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 applicant who has been arrested in connection with Crime No.143/2016, registered at Police Station – Kasdol, Police Outpost - Lawan, District- Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 458, 376 (2) (L) of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made on 17.04.2016 that on 13.04.2016, the applicant entered into the house of the complainant and committed rape to her wife, who is mentally retarded, which was seen by her children. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and there is no explanation of delay of four days. It is further contended that the incident has been seen by the children, who is aged about 17 years, which is not plausible that she will allow the things to be happened. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 18.04.2016, therefore, the counsel prays that, the applicant 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 Ratna, who has seen the incident and objected to it. Considering her statement, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge