

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 258 of 2016

Shrawan Kumar Bijhiya S/o Ramvishal Aged About 28 Years
Occupation Labour, R/o Ratanpur (Uperpara), Police Station
Jaynagar, Tahsil And District Surajpur (Wrongly Mentioned As
District Surajpur Surguja) Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Ambikapur, District Surguja Chhattisgarh.

---- Respondent

For applicant -Shri D.N. Prajapati, Advocate.
For Respondent/State – Shri Anant Bajpai, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

28/01/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 500/2015 registered in Police Station Ambikapur, District Surguja (C.G.) for offence punishable under section 294, 506, 323/34 and 376 (g) of Indian Penal Code.
2. As per the prosecution case on 5/09/2015 victim along with her friend were going to their relatives house at village Darima since it became dark they stayed in the house which was being constructed with the consent of some of the labourers and thereafter at about 9 'o clock applicant along with other co-accused came there forcefully committed rape and assaulted boy Sandeep.
3. Learned counsel for the applicant submits that initially the report was made by boy wherein the allegation of rape has not been made and there has been some dispute arose in between the girl and the boy and therefore initially the report under Section 107 and 116 of Cr.P.C. was made against the applicant wherein they were discharged. He further

submits that after five days of the incident report of rape has been made, therefore applicant has been falsely implicated and he may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. I have perused the case diary, the FIR and statement of the girl. Perusal of the statement would show that the girl was subjected to rape while they took shelter in the house and the applicants were present. Taking into such statement of the victim, this court is not inclined to release the applicant on bail.

6. Accordingly, the bail application is dismissed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE