

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 242 of 2016

- Ashok Sarthi S/o Shri Sunder Sarthi Aged About 25 Years R/o Village Bamba, Police Station Bagicha, District Jashpur Chhattisgarh.

---- Petitioner

Versus

- The State of Chhattisgarh through the Office In Charge of Police Station Kotra Road, Raigarh, District Raigarh Chhattisgarh.

---- Respondent

For the applicant	:	Mr. Roop Naik Advocate
For the Respondent	:	Mr. Anant Bajpai Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28.01.2016

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.201 of 2015 registered at P.S. Kotra Road, Raigarh, District Raigarh for the offence punishable under Section 363, 366, 376 of IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012.
2. The prosecution case, in brief, is that on 04.07.2015 the applicant abducted the prosecutrix who was a minor and thereafter took her into forest and committed rape, thereby the offence is committed.
3. Learned counsel for the applicant submits that since the applicant belonged to lower caste, he has been falsely implicated. He relies on statement of Annexure A-2 and would submit that they were living as husband and wife and therefore, no offence is made out.

4. Perused the statement of prosecutrix which is annexed to the bail application.
5. Perusal of the statement of prosecutrix would show that in paras 1 & 2 she has made positive statements, however, certain denials have been made in para 10 of her cross examination. The entire statement is to be appreciated alongwith other evidence and the statement of prosecutrix cannot be singled out to appreciate and record finding thereon. Therefore it is not appropriate for this Court to evaluate the only statement of prosecutrix and record finding at the stage of bail application. Consequently, I am not inclined to allow this bail petition. Accordingly, it is rejected.

**Sd/-
GOUTAM BHADURI
JUDGE**