

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A) No. 68 of 2016

1. Uday, S/o. Birjan Prasad, aged about 18 years, R/o. Daridih, Police Station Raghunathnagar, Police Station and Tahsil Wadrafnagar, Revenue District – Balrampur-Ramanujganj (C.G.), Civil District – Sarguja (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, through : Police Station – Raghunathnagar, District – Balrampur-Ramanujganj (C.G.)

---- Respondent

For Applicant : Mr. Manoj Paranjpe, Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15/02/2016

1. Apprehending arrest in connection with Crime No.46/2015 registered at Police Station- Raghunathnagar, District – Balrampur-Ramanujganj (C.G.), for offence punishable under Section 376 & 506 of Indian Penal Code, 1860 and Section 4 & 8 of the Protection of Children from Sexual Offences Act, 2012, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, a complaint was made on 14.09.2015 that on 05.09.2015 the victim was dragged by closing her mouth by the applicant when she went to answer the call of nature and thereafter, she was forceful sexual intercourse was committed. Subsequently when she raised alarm, brothers of the victim came, thereafter, the applicant run away and fell down and sustained injuries.

3. Learned counsel for the applicant would submit that, infact the applicant was assaulted by the brothers of the victim for some personal enmity and the report was made and he was severely beaten and hospitalized and therefore, a compromise was affected on 08.09.2015, however, subsequently a report was made on 19.09.2015, therefore, the applicant has been falsely implicated in this case. Therefore, the counsel prays that the applicant may be extended the benefit of anticipatory bail.
4. Per contra, the learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statement of the victim. Primary evidence shows that the victim is the minor and considering the statement of the victim, very positive statements are made. Taking in to the statements and the facts and circumstances of the case it can not be stated that custodial interrogation of the applicant may not be required and it is not a case, where the provisions of Section 438 of Cr.P.C. can be extended. Therefore, this Court is not inclined to grant anticipatory bail to the applicant.
6. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge