

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7572 of 2015

Ravindra Biswas @ Sushil Aged about 24 years, S/o. Shri Sitanshu Bishwas, R/o. Jaipul, P.S. Kharda, District 24 Uttar Pargana (West Bengal) Presently R/o. Tikrapara, District Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Ganj, District Raipur (C.G.)

---- Respondent

For Applicant	:-	Shri Praveen Das, Advocate
For Respondent/State	:-	Shri Anil. S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

13.01.2016

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. 130/2015 registered at Police Station- Ganj, District Raipur (C.G.) for the offence punishable under Sections 342,370(A)(1), 372 read with section 34 of IPC and section 6 read with section 17 of Prevention of Children against Sexual Offence, 2012.
2. Case of the prosecution, in brief, is that a missing report was lodged by the father of the victim on 26.07.2015. The girl was recovered on 01.08.2015 from Railway Station Raipur. During the course of interrogation, it was revealed that she was in her aunts house on 26.06.2015, while she was returning to her home at about 10.00 PM two accused persons namely Ashish and Gulshan took her in their motorcycle and she was first kept in a hotel, there they have committed sexual intercourse with the prosecutrix. On the

next day, she was taken to the house of Sabina Began, wherein this applicant and the other accused persons have kept the prosecutrix in their captivity and committed sexual intercourse with her. There the applicant was also present named as Bengali boy. Subsequently, the applicant took her to Sarangarh along with the other accused persons wherein she was sexually molested thereafter, she was released on 01.08.2015 at Raipur. Thereby, the offence is committed.

3. Counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits that neither the applicant was named in the FIR, nor in the statement of the prosecutrix, only on the basis of memorandum of Shabina Begam the present applicant has been arrested. He further submits that the applicant is in jail since 02.08.2015, therefore, he may be enlarged on bail.
4. State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statement. Perusal of the case diary and the statement recorded under section 161 of Cr.P.C. wherein she has been named the applicant and also the statement recorded under section 164 of Cr.P.C. which has been given before the Child Welfare Society, wherein the name of a Bengali boy has been named by the victim and the girl was contentiously in the company of the applicant and the other accused persons while the crime was done. Considering the statement of the victim wherein she has named the identity of the applicant which is corroborated in memorandum statement. Considering the way of offence has been committed by the applicant and also the fact prima-facie presence of this applicant can not be denied, this Court is of the opinion that it is not a fit case where the applicant can be released on bail.

6. Accordingly, the bail application is rejected.

Sd/-

(Goutam Bhaduri)
Judge

Santosh