

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 517 of 2016

- Roshan Lal S/O Khulan Ram Aged About 18 Years Caste Chick, R/O. Lodaamba Chowki : Dokda, Police Station & Tahsil : Kansabel, Rev. And Civil District Jashpur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Narayanpur, District Jashpur Chhattisgarh.

--- Respondent

For Applicant : Mr. D. Kushwaha, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27-07.2016

1. The applicant has preferred the bail application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail apprehending his arrest in connection with Crime No. 28 of 2016 registered at Police Station Narayanpur, District Jashpur (CG) for the offence punishable under Sections 363, 376 of the IPC and Sections 3 & 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 11-3-2016 when the victim girl was going for her examination, at that time on the way the applicant along with other co-accused persons came there by motor-cycle, one of them got down and caught hold of the hands of victim girl and thereafter they took away her on the motor-cycle to the village where she was kept in captivity and thereafter applicant committed sexual intercourse with her and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in this case, no identification of the applicant has been made, therefore the benefit of anticipatory may be extended to the applicant.
4. *Per contra*, learned State counsel opposing the bail application would submit that there is sufficient evidence to connect the applicant with the crime in question.
5. I have heard learned counsel for the parties and perused the case diary and other documents .
6. Perused the statements of the victim girl recorded under Section 161 and 164 of the Cr.P.C., which would show that the applicant along with other co-accused persons took her away on the motor-cycle, she was kept in captivity in the night and thereafter present applicant committed sexual intercourse with her.
7. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence, the manner in which the aforesaid offence was committed and further considering the statements of the victim girl, I am not inclined to extend the benefit of anticipatory bail.
8. Accordingly, the instant bail application is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju