

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3171 of 2016

1. Aakash Nirmalkar, S/o. Sanharan Nirmalkar, aged about 31 years,
R/o. Village- Kuthur, P.S. - Pamgarh, District – Janjgir-Champa (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, P.S.- Mulmula,
District- Janjgir-Champa (C.G.)

---- Respondent

For Applicant : Mr. F.S. Khare, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

30/06/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.33/2016, registered at Police Station – Mulmula, District- Janjgir-Champa (C.G.) for the offence punishable under Section 376 of the Indian Penal Code and Section 4, 6 of C.G. Tonhi Pratarna Nivaran Adhiniyam, 2005.
2. Case of the prosecution, in brief, is that a report was made alleging that in order to treat the prosecutrix, the applicant was called and the applicant assured that he will cure the prosecutrix by sorcery and during such sorcery, the applicant has committed sexual intercourse with the prosecutrix.
3. Learned counsel for the applicant submits that the prosecutrix is aged lady of 26 years and she was a consenting party and she has raised alarm when she was seen in some compromising position. It is further submitted that charge-sheet in this case has been filed and the

applicant is in jail since 28.02.2016, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of the prosecutrix. After considering the statement of the prosecutrix, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge