

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3402 of 2016

1. Amanuddin Ansari, S/o. Juldin Ansari, aged about 25 years, R/o. Vijaynagar, Police Station – Ramanujganj, District – Balrampur – Ramanujganj (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Station House Officer, Police Station : Ramanujganj, District – Balrampur-Ramanujganj (C.G.)

---- Respondent

For Applicant	: Mr. D.N. Prajapati, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08/07/2016

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.24/2016, registered at Police Station – Ramanujganj, District- Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 363, 366, 376(d), 392 read with Section 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on on 17.03.2016, the prosecutrix while was standing on the road as she went to fetch medicine for her mother at that time, the applicant along other co-accused came with Tata Magic vehicle and the prosecutrix was taken in such vehicle into some lonely place thereafter both the

applicant and other co-accused committed forceful intercourse.

Thereafter, the applicant snatched the mobile and fled away.

Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits that the prosecutrix was a consenting party. It is further submitted that taking into the statement of the prosecutrix, it would reveal that there was no actual resistance was made. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 18.03.2016, therefore, the counsel prays that the applicant may be released 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 case diary and statement of the prosecutrix. Perusal of the statement would show that categorical allegations have been attributed against this applicant and other co-accused. Taking into such statement, 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