

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4285 of 2016

Firoz Ansari S/o Hakim Ansari Aged About 21 Years, R/o Narola,
Police Station Ramkola, District Surajpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Ramanujganj, District Balrampur Ramanujganj,
Chhattisgarh.

---- Respondent

For applicant - Shri D.N. Prajapati, Advocate.
For Respondent/State – Shri Anant Bajpai, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

16/08/2016

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