

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4402 of 2016

1. Kamla Prasad, S/o. Shri Sajjan Singh, aged about 20 years, R/o. Village- Bhanvrahi, Chauki - Basdei, P.S. - Surajpur, Tehsil – Bhaiyathan, District – Surajpur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Chowki- Basdei, P.S. - Surajpur, District – Surajpur , (C.G.)

---- Respondent

For Applicant	: Mr. Manish Sharma, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/08/2016

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.90/2016, registered at Police Station – Surajpur, Chowki- Basdei, District- Surajpur (C.G.) for the offence punishable under Section 363, 376 (D), 323 and 506 of Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 24.02.2016, when the prosecutrix went to answer the call of nature at that time, the applicant along with other co-accused persons caught hold of the prosecutrix took her to nearby field and thereafter, forceful sexual intercourse was committed.

3. Learned counsel for the applicant submits that the way the incident, which has been stated by the prosecutrix is completely improbable and it is not possible to take the prosecutrix in such a way to a distance and the applicant and the prosecutrix were neighbour and has been falsely implicated in this case. It is further submitted that charge sheet in this case has been filed and the applicant is in jail since 27.02.2016, 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 recorded under Section 161 and 164 of Cr.P.C., wherein positive allegations have been made against the applicant. Considering the same, 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