

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4504 of 2016

- Chandan Singh S/O Sunder Singh Aged About 21 Years R/O Village Khodri, P.S. Gaurela, District Bilaspur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The P.S. Gaurela, District Bilaspur Chhattisgarh

---- Respondent

For Applicant : Mr. Ritesh Verma, Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16-08-2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 9-1-2016 in connection with Crime No. 15 of 2016, registered at Police Station Gaurela, District Bilaspur (CG) for the offence punishable under Sections 376(D), 323, 341 of the IPC and Sections 3 (1)(xii) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. Case of the prosecution, in brief, is that on 8-1-2016 a report was made by the mother of the prosecutrix that the applicant forcibly took away her daughter behind the house of Raghuvir Singh and thereafter he committed forcible sexual intercourse with her and thereby the aforesaid offence was committed.
1. Learned counsel appearing for the applicant would submit that there was delay of seven days in lodging the first information report and no explanation has been given by the prosecution. He would

further submit that the applicant has been falsely implicated in the case, charge-sheet has been filed in the case and the applicant is in jail since 9-1-2015 and no further investigation is required, therefore, he may be enlarged on bail.

2. *Per contra*, learned State counsel opposing the prayer for grant of bail would submit that there is sufficient evidence to connect the applicant with the crime.
3. I have heard learned counsel for the parties and have also perused the case diary and the documents.
4. Perused the statements of the victim girl recorded under Sections 161 and 164 of the Cr.P.C. in which positive allegations have been made against the applicant. Considering the statement of the prosecutrix, the explanation of delay in lodging the first information report has been waived.
5. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence and the manner in which the offence was committed and further considering the statements of the prosecutrix recorded under sections 161 and 164 of the Cr.P.C., I am of the considered opinion, *prima facie* that it is not a fit case where the applicant can be enlarged on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is liable to be and is hereby dismissed.

Sd/-

(Goutam Bhaduri)
Judge

Raju