

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7327 of 2015

Prashant Vaishnav, S/o Ramsharan Vaishnav, Aged About 22 Years, R/o Village Nigapur, P.S. Kunda, Distt. Kabirdham, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through The Station House Office, P.S. Kawardha, Distt. Kabirdham, Chhattisgarh

---- Respondent

For Applicant : Mr. B.M.K.Bajpayee with Mr. Sunil Verma,
Advocate

For Respondent : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06/01/2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.240/2015 registered at Police Station- Kawardha, District Kabirdham (C.G.) for the offence punishable under Section 363, 342, 419, 506 & 376 (G) of Indian Penal Code and Section 06 of Protection to Children for Sexual Offence Act.
2. Case of the prosecution, in brief, is that the prosecutrix, a minor girl, left her parents house and went to Kabirdham and was sitting in the Bus stop, at that time, the applicant alongwith other co-accused came there and provoked her to go with them to her house but in the meanwhile she was subjected to forceful intercourse and gang rape was committed by four persons.
3. Learned counsel for the applicant submits that initially the FIR was made on 01.09.2015 and the statement of the prosecutrix was

recorded wherein she has not stated the name of this applicant and initially the commission of rape was not disclosed. Subsequently, it was disclosed and initially three persons were named and in the subsequent statement on 02.09.2015 four persons have been named to have committed rape, therefore, name of the applicant have been introduced subsequently. He further submits that in the identification pared, the applicant was not identified; therefore, it is submitted that the applicant has been falsely implicated and as such he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the prosecutrix under Section 161 recorded on 01.09.2015 and 02.09.2015 and also statement under Section 164 wherein two incident have been stated by the prosecutrix that initially three persons have committed rape and on the subsequent date one more rape was committed. Taking into consideration the statement of the prosecutrix and the way the offence has been committed, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge