

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5192 of 2016

1. Madan @ Madan Bajpai, S/o Shri Ajit Ram Bajpai, Aged About 25 Years, R/o Kotmi Sonar, Police Station Akaltara, District Janjgir-Champa, Chhattisgarh
2. Rajkumar @ Potu, S/o Shri Shantilal Sonwani, Aged About 24 Years, R/o Ward No. 7 Pipersatti, Police Station Akaltara, District Janjgir - Champa (Chhattisgarh)

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Akaltara, District Janjgir Champa Chhattisgarh.

---- Respondent

For applicants - Shri K.A. Ansari, Sr. Advocate with Shri Devesh Kela, Advocate.

For Respondent/State – Shri Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

16/09/2016

1. The applicants have preferred this application for grant of bail as they are arrested in connection with Crime No.77/2016 registered in Police Station Akaltara, District Janjgir-Champa (C.G.) for offence punishable under sections 376 (D), 427, 294, 506, 323, 34 of IPC.
2. As per the prosecution case, a report was made by the prosecutrix that in the intervening night of 10-11th April, 2016, the applicants came there and hurled some allegation and abused when the prosecutrix and her husband came out of their house. When husband went to call other people of the village, the prosecutrix was dragged to different place and committed sexual intercourse.
3. Learned counsel for the applicants submits that initially wife of the applicant No.1 Madan Bajpai was raped by Umesh son of the prosecutrix and in order to counter the same, false allegations have been attributed. He submits that the applicants were threatened as such they were hiding

themselves and on 21/05/2016 report was made by wife of the applicant No.1 that she was subjected to rape on 7/04/2016. He further submits that false allegations have been attributed against the applicants and they have not committed any offence and the statement is not corroborated by any other witness, therefore the applicants may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of victim as also FSL. Considering such statement and the report, this court is not inclined to release the applicant on bail.
6. Accordingly, the bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE