

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5259 of 2016

1. Ramkeshwar @ Bantu, S/o. Shri Ramprasad, aged about 18 years, R/o. Village-Sulsuli, Matkhaniyapara), P.S. - Trikunda, Tahsil – Wadrufnagar, District – Balrampur, Civil District – Surguja (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station – Trikunda, District – Balrampur, Civil District – Surguja (C.G.)

---- Respondent

For Applicant	: Ms. Soniya Kuldeep, Advocate
For Respondent/State	: Ms. Shobha Kashyap, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08/09/2016

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.9/2016, registered at Police Station – Trikunda, District – Balrampur (C.G.) for the offence punishable under Section 376, 450 of Indian Penal Code.
2. Case of the prosecution, in brief is that on 24.02.2016 the applicant entered into the house of the prosecutrix by climbing the wall entered into room and thereafter, committed forceful intercourse. During the incident, initially the applicant has covered his face and subsequently it was opened after that the prosecutrix could recognize the applicant. Thereafter, the report was made.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and because of dispute of door, the false allegation has been attributed against the applicant and the statements are also not supported by medical evidence. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 25.02.2016. Therefore, 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. Considering her statement, wherein positive statement has been made against the applicant, therefore, 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