

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5309 of 2016

1. Rajesh Kumar @ Rajeshwar, S/o. Fekuram, aged about 22 years,
By Caste- Suryavanshi, R/o. Village- Pali, Chowki – Naila, Police
Station & Tahsil – Janjgir, District – Janjgir-Champa (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police
Station – Janjgir, District – Janjgir-Champa (C.G.)

---- Respondent

For Applicant	: Mr. Gurudev I. Sharan, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/09/2016

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.275/2016, registered at Police Station – Janjgir, District – Janjgir-Champa (C.G.) for the offence punishable under Section 376 (2)f, 506, 498A, 323, 34 of Indian Penal Code.
2. As per prosecution case, a report was made by the prosecutrix on 21.06.2016 that before four months of the incident, the applicant, who is brother-in-law of the prosecutrix when the prosecutrix went to give him food in his room, she was subjected to forceful rape. Thereafter, when it was disclosed to her husband, she was beaten.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and the report is delayed by four months and no reason has been assigned and the prosecutrix is aged about 31 years and is mother of five children, therefore, false allegation have been attributed. 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 recorded under Section 161 and 164 of Cr.P.C. Considering such statement, wherein positive allegations have been attributed 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