

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6417 of 2016

- Manharan Singh S/o Gariba Singh Aged About 55 Years R/o Jogipur (Wrongly Mentioned As Jogipir In Bail Rejection Order) Police Station City Kotwali, District Mungeli, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through Station House Officer, Police Chowki- Rampur, & Police Station- City Kotwali, District Mungeli, Chhattisgarh.

---- Respondent

For the applicant	:	Mr. Awadh Tripathi, Advocate
For the Respondent	:	Mr. Sangharsh Pandey, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19.10.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 257/2016 registered at P.S. City Kotwali, Mungeli (Police Chowki Rampur) Distt. Mungeli (C.G) for the offence punishable under Section 366, 376(2)(1) of IPC.
2. As per the prosecution case, a report was made by the mother of prosecutrix on 22.05.2016 that on 06.05.2016 the applicant took the girl who is not mentally developed to his house and thereafter committed forcible sexual intercourse with her.
3. Learned counsel for the applicant would submit that the date of incident is said to be 06.05.2016 and the report was made much after the incident i.e., 22.05.2016 and only the reason

for delay has been shown because of the marriage in the house of prosecutrix. It is further submitted that when the girl was not able to make statement, it would be highly improbable to clamp charges of rape against the applicant and the report was lodged only on suspicion as to whether the daughter is pregnant or not. It is further submitted that the charge sheet has been filed and the applicant is in jail since 23.05.2016, therefore, she may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary documents. The case diary also contains the statement of prosecutrix wherein positive allegations have been attributed. Even in the statements of mother of prosecutrix recorded u/ss 161 & 164 Cr.P.C., positive allegations have been made against this applicant. The medical report also do not completely disown the sexual intercourse.
6. Taking into consideration such facts, I am not inclined to allow this application. Accordingly, it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**