

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7203 of 2016

- Salim Kujur S/o Pyar Say Aged About 24 Years By Caste Uraon, R/o. Village - Mudapara, Thana - Patthalgaon, Civil & Revenue District Jashpur Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Patthalgaon, Civil & Revenue District - Jashpur Chhattisgarh

---- Respondent

For Applicant : Mr. Sunil Sahu, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28-11-2016

1. This is first bail application filed under Section 439 of the Cr.P.C., for grant of regular bail to the applicant who has been arrested on 20-7-2016 in connection with Crime No. 170 of 2016 registered at Police Station Pathalgaon, District Jashpur (CG) for the offence punishable under Section 376 of the IPC.
2. Case of the prosecution, in brief, is that a report was made by the sister of the victim girl that the victim girl is deaf and dumb and is mentally retarded. When she entered into the house on 18-7-2016, she saw that the applicant and the victim girl were in a compromising position.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in this case, medical report

does not show that the victim girl was subjected to rape and the statement of the victim girl was not recorded. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 20-7-2016 and no further investigation is necessary, therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail application.
5. I have heard learned counsel for the parties, perused the case diary and documents
6. Perused the statement of the sister of the victim girl wherein the victim girl is shown to be mentally retarded and the medical report of the victim girl wherein it has been stated that the hymen of the victim girl was torned.
7. Taking into consideration all the facts and circumstances of the case, nature of offence and degree of the offence and further considering the statement the sister of the victim girl and medical report of the victim girl, I am not inclined to release the applicant on bail.
8. Accordingly, the application filed under Section 439 of the Cr.P.C., is liable to be and is hereby dismissed.

Sd/-

(Goutam Bhaduri)
Judge

Raju