

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7517 of 2016

1. Harikishan Verma, S/o. Shri Bisambhar Verma, aged about 44 years,
R/o. Baansa, Police Station Berla, District Bemetara (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, Through : the Station House Officer, Police
Station – Berla, District – Bemetara (C.G.)

---- Respondent

For Applicant : Mr. P.P. Sahu, Advocate

For Respondent/State : Mr. Sangharsh Pandey, Dy.Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29/11/2016

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.242/2016, registered at Police Station – Berla, District – Bemetara (C.G.) for the offence punishable under Section 376, 450, 506 of I.P.C. and Section 3 (2) (5) (3) (1) B 2 of Scheduled Caste and Scheduled Tribe Act.
2. Case of the prosecution, in brief is that on 02.09.2016 while the prosecutrix was alone in the house, at that time, the applicant came to the house of the prosecutrix and threatened to kill her children and thereafter forcefully committed rape. Thereby the offence has been committed..
3. Learned counsel for the applicant submits that the prosecutrix was a consenting party to the incident and after the incident, she went to her father's place and even when father came to receive the girl,

she do not disclose it and after four days, this was disclosed, therefore, the false allegation have been attributed. Therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application and submit that against the present applicant similar nature of case was registered under Section 376 of I.P.C., therefore, the applicant may not be released on bail.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of prosecutrix recorded under Section 161 and 164 of Cr.P.C. Considering such statement, this Court is 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