

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7494 of 2016

- Shekhar Naik S/o Shri Gariba Naik Aged About 20 Years R/o Goutam Nagar, Supela, Bhilai, Police Station Supela, District Durg, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through Station House Officer, Police Station Supela, District Durg, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Shrawan Agrawal, Advocate
For the Respondent	:	Mr. Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

29.11.2016

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. 803/2016 registered at P.S. Supela, Distt. Durg (C.G) for the offence punishable under Section 376 (2)(d)/34 of IPC and Section 67 of the IT Act.
2. As per the prosecution case, a report was made by the victim on 01.09.2016 that on 16.08.2016 while she was cleaning the toilets at a Sulabh Sauchalay, the applicant along-with other accused all of a sudden came and caught hold of her, took her in a room and committed gang rape with her.
3. Learned counsel for the applicants would submit that the victim knows the applicant and in a preplanned manner false report was made against the applicant, therefore, he has been falsely implicated. He further submits that the FIR was delayed by 15 days and no plausible explanation has been assigned. It is further submitted that the charge sheet has

been filed and the applicant is in jail since 01.09.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of victim u/ss 161 & 164 Cr.P.C., wherein positive allegations have been attributed to the present applicant and others. Considering such statements, I am not inclined to allow this bail application. Accordingly, it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**

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