

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1148 of 2016

Sakhawat Khan S/o Sahadat Khan Aged About 19 Years Occupation -
Student R/o Chandmari Raigarh, Tehsil & District - Raigarh Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : Police Station : A.J.A.K. Raigarh
Chhattisgarh

---- Respondent

For Applicant	:	Mr. Ghanshyam Patel, Advocate
For Respondent-State	:	Mr. Chandresh Shrivastava, Panel Lawyer

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/01/2017

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.9/16 registered at Police Station- Ajak, District Raigarh (C.G.) for alleged commission of offence under Section 376 (घ) of IPC, 3 (2)(5) & 3(1) (ब), Section 4 & 6 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. Case of the prosecution is that the applicant and other co-accused persons committed gang rape on the prosecutrix, aged about 16 years.
3. Learned counsel for the applicant submits that he is being falsely implicated in the matter because of enmity between the applicant and the parents of the prosecutrix. He submits that FIR has been lodged after almost five months when the prosecutrix became pregnant. Therefore, this makes a false implication.

4. On the other hand, learned State counsel submits that the prosecutrix has been examined under Section 164 Cr.P.C. and she has stated about the gang rape committed on her by more than one person including the applicant and that because of threat, she did not disclose to anyone and only when she became pregnant, it was revealed and that the parents of the prosecutrix took steps to lodge report.

5. Considering the aforesaid material and submissions of learned counsel for the parties, age of the prosecutrix and statement under Section 164 of Cr.P.C., no case for grant of anticipatory bail is made out. The application for grant of anticipatory bail is therefore rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge