

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 688 of 2017

1. Raju Patel @ Vijay Patel, S/o. Late Vasudev Patel, aged about 50 years, Basdei, out post Basdei, Police Station and District – Surajpur (C.G.). Mob. 8959469477

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station – Aajak, Surajpur District – Surajpur (C.G.)

---- Respondent

For Applicant	: Mr. Dashrath Kushwaha, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13/02/2017

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.543/2016, registered at Police Station – Aajak Surajpur, District – Surajpur (C.G.) for the offence punishable under Section 363, 376, 323 of Indian Penal Code and Section 3 (2) (5) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.
2. Case of the prosecution, in brief, is that a report was made by the prosecutrix on 14.12.2016 alleging that on 12.12.2016, the prosecutrix with her husband came to Bilaspur and when her husband was in drunken condition, the prosecutrix was subjected to forceful rape by the applicant. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and she was a consenting party as

would evident from the statement of the prosecutrix, 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.
5. I have heard learned counsel appearing for the parties.
6. Perused case diary, documents and the statement of the prosecutrix. Taking into such statement, wherein positive allegation has been attributed against the applicant, I am 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

Balram