

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 820 of 2017

Mahfuz Alam, S/o. Anwarul Haqu Musalman, Aged About 20 Years, R/o. Chumra Vijaynagar, Police Station- Ramanujganj, District- Balrampur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- The Station House Officer, Police Station- (A.J.K.) Ambikapur, District- Surguja, Chhattisgarh.

---- Respondent

For Applicant : Mr. V.C.Ottalwar with Mr. Ishwar Jaiswal,
Advocates

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16/03/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.231/2016 registered at Police Station- (A.J.K.) Ambikapur, District Surguja (C.G.) for the offence punishable under Sections 366, 368, 342, 343, 346, 506B, 376(2)(N), 323, 34 of Indian Penal Code and Section 3(2-5) of S.T./S.C. (Prevention of Atrocities) Act.
2. As per the prosecution case, an FIR was made by the prosecutrix on 02.10.2016 alleging that the prosecutrix was known to the applicant after one day on the pretext to leave her in her house when she accompanied with the applicant she was taken to different places and on the point of knife she was subjected to rape. Subsequently, she was confined to their house, however, once she tried to flee away it was foiled and subsequently she fled away and made a report; thereby the offence has been committed.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case, the prosecutrix is a consenting lady of 25 years and she herself went along with the applicant and it is not possible to travel a long distance of 120 Km without her consent in the motorcycle; therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary, documents and statement of the prosecutrix. In the statement positive allegations have been attributed to the applicant. The case diary contains the report dated 02.03.2017 wherein it is stated that after the applicant was arrested, the other accused has threatened the prosecutrix to compromise and life threat has been extended. Considering the same, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge