

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 969 of 2017

Dakwar Das Vaishnav S/o Late Shri Sanatan Das Vaishnav Aged
About 30 Years R/o Village- Parsapali, Police Station- Saliha,
District Balodabazar- Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Saliha, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

For applicant - Shri A.S. Rajput, Advocate.
For Respondent/State – Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

01/03/2017

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.58/2016 registered in Police Station Saliha (wrongly mentioned as Kasdol in the order sheet), Distt. Balodabazar-Bhatapara (C.G.) for offence punishable under section 376, 376, 506 (two time) of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made on 24/09/2016 that on 21/09/2016 the applicant in the name of witchcraft performed rituals, committed sexual intercourse with the victim under threat and threat was extended that if they object their husband would be killed. Thereby, offence is committed.
3. Learned counsel for the applicant submits that the applicant was performing witchcraft and there has been dispute over payment of money, therefore false report has been made and it is not possible in presence of the husband such offence could have been committed, therefore the applicant may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail.

5. Perused the statement of two prosecutrix who are related to each other. Considering the statement wherein positive allegation have been attributed against the applicant, therefore this court is not inclined to release the applicant on bail.

6. Accordingly, the bail application is dismissed. However, liberty is reserved in favour of the applicant to repeat the bail application after examination of the prosecutrix.

Sd/-

(Goutam Bhaduri)

JUDGE