

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1156 of 2017

Satyanarayan @ Raj @ Krishna @ Boya Painkra, S/o. Dashrath Painkra,
Aged About 26 Years, Caste Kanwar, R/o. Village Tarekela, Police Station
Bagbahar, Tahsil Patthalgaon, District Jashpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station
Bagbahar, District Jashpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. J.K.Saxena, Advocate

For Respondent : Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06/03/2017

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.139/2016 registered at Police Station- Bagbahar, District Jashpur (C.G.) for the offence punishable under Section 341, 376, 294, 323, 506-B of Indian Penal Code.
2. As per the prosecution case, a report was made by the prosecutrix that on 18.09.2016 while she was coming back to her house, the applicant dragged her and committed forceful sexual intercourse.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated, the prosecutrix is an aged lady and she was a consenting party, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.

5. Perused the statement of the prosecutrix under Section 161 & 164 of Cr.P.C. Considering her statement wherein positive allegations have been attributed, 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

Ashok