

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1535 of 2017

Tribhuvan Gurjar, S/o. Late Babairam Gurjar, Aged About 40 Years, R/o. Asura, Police Station -Odgi, District- Surajpur, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : Police Station Ajak, Surajpur, District -Surajpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. T.K. Jha, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/03/2017

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.12/2016, registered at Police Station – Ajak Surajpur, District – Surajpur (C.G.) for the offence punishable under Section 376, 506 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 that while she was taking bath on 22.09.2016 at river at that time, the present applicant reached there and offered her money and having refused, the applicant caught hold of her and committed forceful sexual intercourse for which a report was made on 01.10.2016. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that there is no explanation of delay caused in lodging the FIR as to why there was a

delay and in-fact on 23.09.2016, the husband of the prosecutrix went in intoxicated condition in the school and had assaulted the applicant for which a report was made and in order to counter the same, the false allegations have been made. 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 statement of the prosecutrix recorded under Section 161 and 164 of Cr.P.C., wherein positive allegations have been attributed against the applicant and the delay has also been explained that initially the FIR was not recorded as the oral report was made but no cognizance was taken, subsequently, the report was made to the SC & ST Police Station and the cognizance has been taken. Considering the same, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge