

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1745 of 2017

1. Sonku Ram S/o Gagaram Sori, Aged About 40 Years, R/o Thotapara Gumda, Police Station Dantewada, District Dantewada, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh, through, Station House Officer, Police Station Geedam, District Dantewada, Chhattisgarh.

---- Non-applicant

For Applicant – Smt. Indira Tripathi, Advocate.

For Non-applicant/State – Shri U.K.S.Chandel, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

10-04-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant is arrested on 15-12-2016 in connection with Crime No.125/16 by Geedam, District Dantewada, C.G. police for the offence under Section 376, 506B, 323 of the IPC. After completion of investigation police had filed the charge sheet and the same is pending before the CJM Dantewada, C.G. as Criminal Case No.49/2017. Learned counsel would further submit that the incident is since 2012 till date of the FIR. The prosecutrix is sister-in-law of the applicant, living along with her husband separately as neighbour of the present applicant. She is also having male child aged about 12 years; and as per the allegation, present applicant on account of no any other issue of the prosecutrix somewhere in forest, sometime in the residence against her will committed sexual intercourse and also gave threat to take life. On account of some family dispute, the prosecutrix lodged false report against the applicant. The applicant will not commit any offence in future. He may be enlarged on bail.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant.

4. Perused the entire material.

5. It is surfaced in the order dated 25-02-2017 that an application under Section 389 of the Cr.P.C. filed by the applicant. To support the said application, the prosecutrix and her husband submitted affidavit showing no objection for the bail petition. Though the Court below dismissed the application filed by the applicant, prima facie, on the other way, it corroborates the element of threat alleged to be given by the applicant to the prosecutrix between 12-12-2016.

6. On perusal of the entire material, I am not inclined to grant bail to the applicant. Consequently, the instant MCRC is hereby dismissed.

7. On this stage, learned counsel for the applicant prayed for liberty to file repeat bail application after examination of the prosecutrix and material witnesses.

8. As prayed, liberty if available under the law is granted.

Sd/-

(Chandra Bhushan Bajpai)
JUDGE