

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2280 of 2017

1. Aswel Waltar S/o Late Ashok Waltar, Aged About 25 Years, R/o Village Balod Gahan, Police Station Gurur, District Uttar Bastar Kanker, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through Station House Officer Police Station Durgukondal, District Uttar Bastar Kanker, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Vivek Tripathi, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

01-05-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.31/2016 on 20-11-2016 by Durgukondal police, District North Bastar Kanker, C.G. for the offence under Section 363, 365, 366, 368, 376(2)(i)(n), 506, 120B of the IPC and Section 3(a)/4/5/6 of the Protection of Children from Sexual offences Act, 2012 and also under Section 3(1), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short 'the Act, 1989'). After investigation police had filed the charge sheet against three accused persons including present applicant. The matter is pending before the Special Judge under the Act, 1989 North Bastar Kanker, C.G. The applicant is not the main accused in whose house the prosecutrix was kept for a few days and she was subjected for the rape and other facts; as he is not the main accused, the charge sheet has been filed, he is innocent, and in earlier statement recorded under Section 161 of the Cr.P.C., the prosecutrix not said anything regarding involvement of the present applicant for conspiracy in the matter, he may be granted bail during trial.
3. Per contra, learned counsel for the non-applicant/State opposed the

argument advanced on behalf of the applicant and would submit that police recorded supplementary statement of the prosecutrix under Section 161 of the Cr.P.C. which goes to show the role of the present applicant for conspiracy to the entire incident, hence, the instant MCRC may be dismissed.

4. Perused the entire material.

5. On due consideration, looking to the evidence collected against the present applicant and the entire incident where the role of the present applicant is also shown as conspirator in the matter, I am not inclined to grant bail to the applicant. Consequently, the instant MCRC is hereby dismissed.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE