

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2475 of 2017

- Cent Wilson Xaxa S/o Mangal Das Xaxa, Aged About 24 Years, Caste-Uraon, R/o Sarhapani, Police Station- Kansabel, District- Jashpur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through: Station House Officer, Police Station- Kansabel, District- Jashpur, Chhattisgarh.

---- Non-applicant

For Applicant – Shri J.K.Saxena, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

04-07-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.90/2016 on 02-2-2017 by P.S. Kansabel, District - Jashpur, C.G. for the offence under Section 376, 323, 452, 506 of the IPC. After investigation police had filed the charge sheet which is pending before the Additional Sessions Judge (FTC) Jashpur, C.G. as Sessions Trial No.20/17. Learned counsel for the applicant would submit that earlier the applicant had preferred petition under Section 438 of the Cr.P.C. twice which were dismissed by the coordinate Bench dated 02-08-2016 and 13-01-2017 in MCRCA No.575/2016 and MCRCA No.1198/2016. The incident is from the year 2008 till 15-03-2016. The FIR was lodged on 24-04-2016. The applicant is innocent, not committed any offence and when he denied for marriage false allegation and report has been lodged against the applicant, as shown in statements under Section 161 and Section 164 of the Cr.P.C. Hence, the applicant may be enlarged on bail.
3. Per contra, learned counsel for the State/non-applicant opposed the argument advanced on behalf of the applicant.

4. Perused the entire material.
5. Earlier the anticipatory bail were dismissed on the ground that the prosecutrix was assaulted by the applicant, background of the case, statement and totality of the matter.
6. Presently, upon perusal of the facts collected by the investigating agency regarding 15-03-2016 and 19-03-2016 and consideration of the entire facts, I am not inclined to grant bail to the applicant. Consequently, the instant MCRC is hereby dismissed.

Sd/-

(Chandra Bhushan Bajpai)
JUDGE