

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4101 of 2017**

- Rajesh Nishad (Kawartya) S/o Shankar Nishad, Aged About 19 Years R/o Gudaghat, Police Station Bhatapara (Gramin), Civil & Revenue District Baloda Bazar Bhatapara, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Bhatapara (Gramin) Civil & Revenue District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	: Shri AP Sharma, Advocate
For Respondent/State	: Shri Ashok Swarnkar, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****25.7.2017**

Heard the matter finally.

2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.65/2017 registered in Police Station Bhatapara (Gramin) Baloda Bazar-Bhatapara (CG) for the offence punishable under Sections 376 & 506 of the Indian Penal Code.

3. Learned counsel for the applicant submits that applicant has been arrested on 21.02.2017, after investigation, police has filed charge sheet which is presently pending before Additional Sessions Judge, Bhatapara, Distt. Baloda Bazar as Session Trial No.H/12/17. Learned counsel for the applicant submits that the prosecutrix was the consenting party, she is a major and presently residing in the

parental house of the applicant, the applicant has been falsely implicated, hence, he may be granted bail.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of applicant on the basis of written report lodged by the prosecutrix and her statement recorded under Section 161 of the Cr.P.C. and other facts.

5. Perused the entire material.

6. After perusal of the written report and statement recorded under Section 161 of the Cr.P.C., prima facie, the element of rape is mentioned in the matter. On due consideration of the entire matters, I am not inclined to grant bail to the applicant.

7. Accordingly, the bail application filed on behalf of applicant under Section 439 of the Cr.P.C. is hereby dismissed.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE