

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5834 of 2017

- Tej Kumar Satnami S/o Shri Ramjani, Aged About 35 Years, Caste Satnami, R/o Village Basti Baradwar, P.S. Baradwar, Tahsil Sakti, District Janjgir-Champa Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Baradwar, District Janjgir-Champa Chhattisgarh.

---- Non-applicant

For Applicant – Shri Basant Kaiwartya, Advocate.

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

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

26-09-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.20/2017 on 07-02-2017 by P.S. Baradwar, District Janjgir-Champa, Chhattisgarh for the offence under Section 376 of the IPC. After investigation police had filed the charge sheet, which is presently pending before the First Additional Sessions Judge Sakti, District Janjgir-Champa, C.G. as Sessions Trial No.15/2017. Learned counsel for the applicant would further submit that the applicant is innocent, he has been falsely implicated, he is permanent resident of District Mungeli, C.G. there is no any possibility of his absconding, trial may take some time. Hence, he may be enlarge on bail.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant and would submit that the prosecutrix gave her statement under Section 161 of the Cr.P.C. dated 07-02-2017, the prosecutrix is aged about 75 years and also she is paralytic, hence unable to walk. When she was in the house his neighbour entered into his

house and committed forcible sexual intercourse, the prosecutrix resisted and denied for the same, thereafter, when her daughter-in-law Sukhmatibai came the applicant fled away from the spot. Thereafter, the prosecutrix died on 8th March, 2017. The daughter-in-law of the prosecutrix also recorded her statement under Section 161, 164 of the Cr.P.C. where she supported her mother-in-law, the prosecutrix. Looking to the entire facts, the instant MCRC may be dismissed.

4. Perused the entire material.

5. After perusal of the statement of the prosecutrix recorded under Section 161 of the Cr.P.C. and also corroboration by her daughter-in-law in her statement under Section 161, 164 of the Cr.P.C. and looking to the heinousness of the act as surfaced alleged to be committed by the applicant, I am not inclined to grant bail to the applicant. Consequently, the instant MCRC is hereby dismissed.

Sd/-
(Chandra Bhushan Bajpai)
Judge