

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6644 of 2017

Laxmichand Chandrakar S/o Late Shri Jagannath Chandrakar,
Aged About 65 Years R/o Station Road, P. S. & Tehsil
Mahasamund, District Mahasamund Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, P. S.
Mahasamund, District Mahasamund Chhattisgarh

---- Respondent

For applicant - Shri Achyut Tiwari, Advocate.
For Respondent/State –Shri Neeraj Sharma, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

6/12/2017

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.307/2016 registered in Police Station Thana Mahasamund, District Mahasamund (C.G.) for offence punishable under sections 376, 2(d), 377, 506 of IPC & 3(2)(5) of SC/St (Prevention of Atrocities) Act, 1989.
2. Case of the prosecution, in brief, is that FIR was lodged by the prosecutrix on 21/06/2016 that she was subjected to rape by the present applicant in between the period 2010 to September 2015 on the pretext of witchcraft and stated that if it is disclosed her husband would die. He was maternal father-in-law of the victim. It is alleged that she was subjected to unnatural sexual intercourse.
3. Learned counsel for the applicant submits that the FIR was grossly delayed and the doctor has been examined he has not stated about forceful rape, therefore the applicant may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the prosecutrix under Section 161 and

164 of Cr.P.C. In statement under section 164 of Cr.P.C. it is stated that she was forced to sign an affidavit to withdraw her statement. Considering the same, this court is not inclined to release the applicant on bail.

6. Accordingly, the bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE