

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7786 of 2016

1. Phool Das S/o Bhikam Gada Aged About 19 Years R/o Village Jabkasa Police Station Khandgaon, District Rajnandgaon, Chhattisgarh.
2. Basant S/o Teejauram Aged About 19 Years R/o Village Jabkasa Police Station Khandgaon, District Rajnandgaon, Chhattisgarh.
3. Govind S/o Sardar Singh Aged About 19 Years R/o Village Boria, District Rajnandgaon, Chhattisgarh.

---- Petitioners

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Manpur District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicants : Mr. H.S. Ahluwalia, Advocate

For Respondent/State : Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

10-01-2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 2-10-2016 in connection with Crime No. 51 of 2016, registered at Police Station Manpur, District Rajnandgaon (CG) for the offence punishable under Sections 376(g), 394, 450 and 506 of the IPC.
2. Case of the prosecution, in brief, is that a report was made by the prosecutrix on 2-10-2016 that on 1-10-2016 the applicants entered into her house while she was alone and having enquired as to why they have come, they stated that they have come to commit theft and thereafter she was subjected to rape by the present applicants.

3. Learned counsel appearing for the applicant would submit that the applicants have been falsely implicated in the case, prosecutrix was involved in the business of prostitution, selling of liquor and other illegal activities and as such a report was made against the applicants. He would further submit that she used to black-mail the young boys, the goods which were stolen were not seized and the story projected by the prosecutrix is totally improbable. It is further submit that charge-sheet has been filed in this case, the applicants are in jail since 2-10-2016 and no further investigation is required, therefore, they may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the statements of the prosecution recorded under Sections 161 and 164 of the Cr.P.C., wherein positive allegations have been attributed to the present applicants.
7. Taking into consideration the facts and circumstances of the case, nature of allegations and degree of offence and further considering the statements of the prosecutrix, I am not inclined to release the applicants on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is liable to be and is hereby dismissed.

Sd/-

(Goutam Bhaduri)
Judge

Raju