

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 947 of 2017

1. Chhotu Singh, S/o. Gulab Singh, Caste- Kurmi, aged about 22 years, R/o. Ward No.22, Amakherwa, Near Bijli Office Manendragarh, Police Station & Tahsil Manendragarh, District – Korea (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through -Station House Officer, Police Station -Manendragarh, District -Korea, Chhattisgarh.

---- Respondent

For Applicant	: Dr. Gurudev I. Sharan, Advocate
For Respondent/State	: Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/02/2017

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.379/2016, registered at Police Station – Manendragarh, District – Korea (C.G.) for the offence punishable under Section 341, 376 (D) of Indian Penal Code. The first bail application was dismissed as withdrawn vide order dated 19.12.2016 with liberty to repeat the same after filing of the charge-sheet.
2. Case of the prosecution, in brief, is that on 26.10.2016 a report was made alleging that on 25.10.2016 when the prosecutrix was

returning back to her home after doing her duty in medical shop, the applicant along with another accused Suraj came and forcefully took her to a place thereafter, both of them committed forceful sexual intercourse and she was left at 1.30 in the night. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that this is second bail petition. The first bail petition was dismissed as withdrawn with liberty to repeat the same after filing of the charge-sheet and the charge-sheet been filed. It is further submitted that the applicant has been falsely implicated in this case as the prosecutrix was aged lady of 27 years and she was a consenting party and the way the offence is alleged to have been committed it is not possible, therefore, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of the victim, wherein positive allegations have been attributed against the present applicant and other co-accused. Taking into such statement I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge