

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3870 of 2017

- Shahrukh Khan S/o Rasid Khan, Aged About 21 Years R/o Raja Talab, Post Office Raipur, Police Station Civil Line, Civil & Revenue District Raipur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Civil Line, Civil & Revenue District Raipur, Chhattisgarh.

---- Respondent

For Applicant :Mr. Barun Kumar Chakrabarty, Advocate

For Respondent/State :Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22-6-2017

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 6-4-2016 in connection with Crime No. 206 of 2016, registered at Police Station Civil Line, District Raipur (CG) for the offence punishable under Sections 376, 506/34 of the IPC.
2. As per the prosecution case, on 04.04.2016 when the prosecutrix was going to Jaipur on the way at about 4.00 p.m., she boarded an auto to go to Railway Station and the auto driver took her to a hospital saying that he had some work there. Thereafter the driver went to hospital and called two persons one of them was this applicant and they were also allowed to sit in his auto and thereafter the prosecutrix along-with other accused were taken to a Garden at Panchsheel Nagar where the applicant and other co-

accused committed forcible sexual intercourse under threat of life and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case and one of the co-accused has been released on bail vide order dated 6-12-2016 passed by this Court in M.Cr.C.No. 7408 of 2016. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 6-4-2016 and no further investigation is required, therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail and would submit that earlier first bail application was dismissed as withdrawn on 15-2-2017 wherein no liberty was granted to the applicant to repeat the same.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the statement of the prosecutrix wherein positive allegations have been attributed to the present applicant.
7. Taking into consideration the facts and circumstances of the case and further considering the statement of the prosecutrix, I am not inclined to release the applicant on bail.
8. Accordingly, the second bail application filed under Section 439 of the Cr.P.C. is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju