

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 360 of 2018

Ganesh Giri, S/o. Sunder Giri, Aged About 23 Years, Occupation Labour,
R/o. Village Maheshpur, Bazardand, P.S. & Tahsil Seetapur, District
Surguja, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Seetapur, District Surguja,
Chhattisgarh.

---- Respondent

For Applicant : Mr. Vivek Kumar Pandey, Advocate

For Respondent : Mrs. Astha Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28.03.2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.189/2017 registered at Police Station- Seetapur, District Surguja (C.G.) for the offence punishable under Sections 376 of I.P.C. and Section 3(2)(5) of S.C. S.T. (Prevention of Atrocities) Act, 1989.
2. Case of the prosecution, in brief, is that a report was made by the victim on 28.09.2017 that on 02.09.2017 while she was going to village named Nakna and was with her children, the applicant allured to give lift to the village, however, on their way, she was forcefully subjected to rape.
3. Learned counsel for the applicant submits that the incident was of 02.09.2017 but report is grossly delayed and the incident is also not supported by the medical evidence as false allegations have been attributed, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.

5. Perused the statement of the prosecutrix wherein positive allegations have been made. Considering the same, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Ashok