

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1120 of 2018

Santosh Rathiya S/o Ramsingh Rathiya Aged About 45 Years
R/o Village Barra, Police Station Jobi, Tahsil Kharsiya, Civil
And Revenue District Raigarh, Chhattisgarh --- **Petitioner**

Versus

State of Chhattisgarh through the Station House Officer,
Police Station Jobi, Tahsil Kharsiya, Civil & Revenue District
Raigarh (C.G.), District : Raigarh, Chhattisgarh--**Respondent**

For the applicant	:	Mr. Punit Ruparel, Advocate.
For the Respondent	:	Mr. Sangharsh Pandey, Dy. A. G.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.04.2018

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 619/2017 registered at Police Station Jobi, Distt. Raigarh (C.G) for the offences punishable under Sections 354, 354(A) & 506/34 of IPC.
2. As per the prosecution case, a report was made by the victim that on 12.12.2017 while the prosecutrix was returning to home, the applicant along-with other accused caught hold of her, dragged her to a distance and fell down her. Thereafter, the applicant placed *Shawa* on her head and was holding the prosecutrix while the other accused tried to commit the rape, thereby the offence has been committed.
3. Learned counsel for the applicant submits that there is delay in filing the FIR and the applicant has been falsely implicated in the case. He submits that the incident is stated to have

taken place on 30.11.2017 and the report was made on 12.12.2017 and false allegations have been made. It is further submitted that no specific allegations have been made against the present applicant, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application. .
5. Perused the statement of victim. Considering the same, I am not inclined to allow this bail application, at this stage. Accordingly, it is rejected.
6. However, the applicant shall be at liberty to repeat the prayer after examination of the victim.

**Sd/-
GOUTAM BHADURI
JUDGE**