

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 301 of 2018

1. Ajay Kumar Baghel S/o Gangalu, aged about 22 years,
2. Amit Kashyap, S/o of Neelam Kashyap, aged about 22 years,
Both are by Caste- Bhahra, R/o. Village- Gongala, P.S. Sukma, District- Sukma (C.G.).

---- Applicants

Versus

State of Chhattisgarh Through- the Station House Officer, Police Station Bodhghat- Jagdalpur, District- Bastar (C.G.).

---- Respondent

For Applicant	:	Mr. Praveen Dhurandha, Advocate
For Respondent	:	Mr. UKS Chandel, PL

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

27/04/2018

1. Heard.
2. The applicants have filed this application for grant of anticipatory bail as they are apprehending their arrest in connection with Crime No.338/2017 registered at Police Station- Bodhghat- Jagdalpur, District- Bastar (C.G.) for the offence punishable under Sections 363, 366 and 376 of IPC & Section 4 of POSCO Act, 2012..
3. Case of the prosecution in brief is that a report was lodged by the prosecutrix to the effect that on 14/10/2016, on the occasion of Deepawali, she was traveling to her house and for the reason, she was standing at petrol pump. On the relevant point of time, the accused persons came in motorcycle and took her to a lodge and committed sexual intercourse.

4. Learned counsel appearing on behalf of the applicants submits that the applicants have been falsely implicated in the present case. It is further submitted that applicant- Ajay is a relative of the prosecutrix and on her saying the applicants came to took her to her home and because of which, the prosecutrix, on the pressure of her father, had lodged the report.
5. On the other hand, learned counsel appearing on behalf of the State has opposed the bail application and submits that there is sufficient material available in the case diary. As per FIR and statement of the witnesses and the prosecutrix, both the applicants have committed rape with her, therefore, he prays for rejecting the bail application.
6. Having considered the submission advanced by learned counsel for the parties and the material so far as collected by the prosecution against the applicant, it is not a fit case to grant anticipatory bail to the applicants.
7. Accordingly, MCRCA No. 301/2018 is rejected.

Sd/-
Judge
Arvind Singh Chandel

Rahul