

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C.(A) No. 492 of 2018**

1. Ganga Sagar Yadav, son of Shri Udaynath Yadav, aged about 45 years, Occupation Agriculturist.

2. Bachchha Yadav, son of Shri Sukhadi Yadav, aged about 55 years, Occupation Agriculturist.

Both are R/o Village Patkura, Ghatonpara, Police Chowki Kedma, P.S. Udaypur, District Surguja (CG). **---- Applicants**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Udaypur, District Surguja(CG). **---- Non-applicant**

For Applicants	: Mr. Abhishek Singh, Advocate.
For Non-applicant	: Mr. Neeraj Kumar Sharma, Dy.G.A.

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

29.11.2018

1. Considered the explanation submitted by Station House Officer Manoj Kumar Prajapati. He is warned to be vigilant in future to comply the order of this Court.
2. Apprehending arrest in connection with Crime No.80/2017, registered at Police Station Udaypur, District Surguja for the offence punishable under Sections 376(d) & 506 of Indian Penal Code, the applicant has filed this bail application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
3. Case of the prosecution, in brief, is that the prosecutrix was aged about 50 years old. She is a resident of village Patkura, Ghatonpara. On 16.07.2017, she had gone to forest for grazing the cattle. Applicants reached there and committed forcibly sexual intercourse with her one by one and gave threatening to kill her.
4. Counsel for the applicants would submit that applicants have not committed any offence and have been falsely implicated in the case and as such the applicants are entitled to be released on anticipatory bail. In support of his case, he drew my attention on Annexure A/2, which is alleged application of the prosecutrix wherein it has been mentioned that she lodged a complaint regarding land dispute and the applicants have not committed

sexual intercourse with her.

5. On the other hand, counsel for the State would oppose the prayer for grant of anticipatory bail to the applicants however he submits that no criminal antecedent reported against the applicants in police case diary.
6. The concerned Station House Officer verified Annexure A/2 and submitted a true copy of statement of the prosecutrix wherein it has been mentioned that she had lodged a report against the applicants regarding rape. One advocate has obtained her thumb impression in the plain paper.
7. Looking to the facts and circumstances of the case and looking to the impact of granting anticipatory bail to the applicant on society, this Court is not inclined to grant anticipatory bail to the applicant.
8. Accordingly, anticipatory bail application filed under Section 438 of CrPC is rejected.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-