

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3639 of 2018**

- Sheetal Uraon S/o Choudho Ram Uraon Aged About 45 Years R/o- Village- Magaki- Khamdand, P.S.- Chando, District- Balrampur-Ramanujganj, Chhattisgarh.,

---- Applicant

Versus

- The State Of Chhattisgarh Through- P.S. Chando, District- Balrampur-Ramanujganj, Chhattisgarh.,

---- Respondent

For Applicant	:	Shri Rishi Rahul Soni, Advocate
For Respondent/State	:	Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Sanjay Agrawal**Order On Board****11.09.2018**

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the Cr.P.C.) for grant of regular bail to the applicant – Sheetal Uraon as he has been arrested on 29.12.2017 in connection with crime No. 40/2017 registered in Police Station Chando District Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 376 & 506 IPC.
2. Case of the prosecution is that on 24.12.2017 when the prosecutrix went to the forest for grazing the cattle, at that time, the present applicant came and told her that her husband had committed rape on his wife, and therefore, he will commit the same thing and by saying so has committed sexual intercourse with her forcibly while threatening to kill her. The said offence has been registered on the basis of the report lodged by the prosecutrix on 27.12.2017.

3. Shri Rishi Rahul Soni, learned counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in connection with the aforesaid crime. According to him, since an offence has been registered against the prosecutrix's husband, namely, Heeralal on the basis of the report lodged by the applicant's wife for an offence punishable under Section 376 IPC, and therefore, the present applicant has been falsely implicated in order to settle the score against him.
4. On the other hand, Shri Anant Bajpai, learned counsel for the State while opposing the bail application submits that the prosecutrix's statement was recorded under Section 164 of the Cr.P.C. by the concerned Magistrate immediately after lodging the report by her, wherein she has stated specifically the manner in which the alleged offence has been committed upon her forcibly by the present applicant and as such has supported the prosecution story. Therefore, the bail application deserves to be rejected.
5. I have heard learned counsel for the parties and perused the case diary carefully.
6. Having considered the facts and circumstances of the case and that by considering the nature of the offence as alleged by the prosecutrix, I am not inclined to enlarge the applicant on bail at this stage.
7. Accordingly, the bail application is rejected.

Sd/-

(Sanjay Agrawal)
Judge