

HIGH COURT OF CHHATTISGARH AT BILASPURM.Cr.C. No.4433 of 2018

Chanda Basod S/o Shyam Narayan Basod, aged about 24 years, R/o Murki, Police Station Udaypur, District Surguja (C.G.).

---Applicant

Versus

State of Chhattisgarh, Through - the S.H.O. Police Station Ajak, Ambikapur, District Surguja (C.G.).

---Respondent

For applicant	:	Shri Amarnath Pandey, Advocate.
For State	:	Shri Chandresh Shrivastava, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06/07/2018

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.33/2017 registered at Police Station Ajak, Ambikapur, District Surguja (C.G.) for the offence punishable under Sections 363, 366, 366-A, 368, 376(2)(ब), 370(5), 370(A)(I)(II), 372, 344, 374, 34 of IPC and Section 5(A), 6, 17 of POCSO Act and Section 3(2-5) SC/ST (Prevention of Atrocities) Act, 1989.
2. Present applicant is in jail since 21/05/2017.
3. The allegation against the present applicant as per the prosecution case is that, the present applicant in the garb of providing good employment in Delhi to two of the minor Adivasi girls from District Ambikapur had taken them from their house and enroute they were kept at different places and thereafter on the night of 07/09/2016 it is alleged that the present applicant

along with the co-accused Amresh have given shelter to the minor Adivasi girls at the latter's residence. Further, they had called upon three persons from the village of whom one of them is said to have committed rape with the prosecutrix. Thereafter she is said to have somehow managed to escape from the clutches of these people and have gone and informed the villagers and later on to the police authorities. An F.I.R. in this regard was lodged on 10/09/2016.

4. The counsel for the applicant submits that, there are so many statements recorded of the prosecutrix and in each statement, there is a contradiction and therefore the entire case of the prosecution becomes doubtful. He further submits that, it is a case where the document establish that the present applicant also was a victim of rape by the same group who had come to the house of Amresh and which would establish the fact that the present applicant was not responsible in calling of the three persons who had come in a Maruti Car and thus prayed for releasing the applicant on bail.

5. The State counsel however opposing the bail application submits that, in spite of the fact that there are slight contradiction in all the statements of the prosecutrix recorded during the course of investigation, but so far as the fact that it was the present applicant who had in connivance with Amresh is said to have made the prosecutrix enter into a separate room where one of the accused person is said to have sexually ravished the prosecutrix is consistent in all the statements. He further submits that, even otherwise, it is also established that it was the present applicant who had taken the prosecutrix to the house of Amresh and that there is an averment of both of

them together calling upon the persons with an intention of providing girls for flesh trade.

6. Having heard the contentions put forth on either side and on perusal of record, particularly taking into consideration the statements which have been recorded more particularly that of the prosecutrix and the other witnesses this Court is not inclined to grant bail to the present applicant at this juncture.

7. Accordingly, the present MCRC stands rejected.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit