

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7091 of 2017

Sarfaraz @ Pappu Khan, S/o. Naseem Ahmad, Aged About 36 Years, R/o. Janakpur, Police Station Janakpur, District Korla, Chhattisgarh.

--- Petitioner

Versus

State Of Chhattisgarh, Through Police Station Janakpur, District Korla, Chhattisgarh.

--- Respondent

For the Applicant : Mr. Maneesh Sharma with Mr. Pragalbha Sharma, Advocates

For the Respondent : Mr. S.K.Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18.01.2018

1. This is the 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. 49 of 2017 registered at Police Station- Janakpur, District Korla (C.G) for the offence punishable under Sections 376, 306, 34 of Indian Penal Code, Section 3, 4, 16 & 17 of Protection of Children from Sexual Offences Act, 2012 and Section 3(1)(12) & 3(2)(5) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act.
2. As per the prosecution case, one Basanti committed suicide by hanging on 04.05.2017. It is alleged that she was subjected to sexual intercourse by the present applicant and when the marriage of Basanti was fixed, the present applicant alongwith other co-accused Pawan Kumar & Vinod Kumar went to the deceased and pressurized her not to marry and thereafter the present applicant has assaulted the deceased on account of which, she committed suicide.

3. Learned counsel for the applicant submits that no evidence is on record to show that the present applicant has abetted the deceased to commit suicide and he has also not assaulted the deceased; therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of Sukhlal & Ramkali, who are father & mother of the deceased wherein it is stated that the present applicant has committed forceful sexual intercourse with the deceased and also assaulted her. Taking into the statement and the fact that the main allegation of sexual intercourse and assault is attributed on the present applicant, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge