

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 141 of 2019**

Gajanand @ Madhu Sahu S/o Shri Bhagat Ram Sahu Aged About 20 Years
R/o Village Chhatan, P. S. Fasterpur, Tahsil And District Mungeli
Chhattisgarh, District : Mungeli, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through P. S. Lalpur, District Mungeli Chhattisgarh,
District : Mungeli, Chhattisgarh.

---- Respondent

For the Applicant : Shri Keshav Dewangan, Advocate.
For the Respondent/State : Shri Rahim Ubwani, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****14.02.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 122 of 2018, registered at Police Station – Lalpur, District Mungeli, Chhattisgarh for the offences punishable under Sections 363, 366, 376 and 342/ 34 of the Indian Penal Code, Section 3(2)(5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 5(g) and 6 of the Protection of Children from Sexual Offences Act, 2012.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on

the basis of the material placed before the Court by the prosecution. The prosecutrix had been a consenting party in this case and her age is also disputed which is not below 18 years. Hence, it is prayed that the applicant be enlarged on anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the prosecutrix has given clear statement against the applicant. The applicant alongwith two others abducted her, confined her and then gang-raped her. Hence, no case is made out for grant of anticipatory bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. According to the FIR lodged and the statement given by the prosecutrix, she was abducted and she was of age 15 years and 3 months at the time of incident when she was abducted by this applicant alongwith two other co-accused persons, then by keeping her in confinement in a place, she was gang-raped by the applicant and two other co-accused persons.

7. After considering all the facts and circumstances of the case, I am of the view that this is not a fit case for grant of anticipatory bail to the applicant.

8. Accordingly, the anticipatory bail application filed under Section 438 of the Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge