

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3196 of 2019

Laxman Kumar Jangde, S/o. Chhedilal Jangde, Aged About 21 Years, R/o. Village Kumhari, Police Station - Kosir, Tahsil - Sarangarh, District Raigarh Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station - Kosir, District Raigarh Chhattisgarh.

---- Respondent

For Applicant	: Mr. Awadh Tripathi, Advocate
For Respondent/State	: Mr. Shubhash Yadav, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

16/07/2019

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.250/2018, registered at Police Station –Kosir, District – Raigarh (C.G.) for the offence punishable under Section 376, 506, 313, 314 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. The applicant is in jail since 24.01.2019. According to the memo of Deendayal Upadhyay Police Station, Raipur, the prosecutrix was admitted in Om Hospital Mahadevghat on

16.10.2018 for treatment, when it was found that she was having pregnancy of four months and her father informed that prosecutrix was earlier treated by a local doctor, who had performed some abortion on 09.10.2018. The prosecutrix, who is deaf and dumb was also examined by an interpreter, who is a teacher from School for Deaf and Dumb, who could not understand the language and the signals of the prosecutrix. Father of the prosecutrix kept mum for some days, but later on he has made statement on 31.10.2018 that the deceased/prosecutrix had informed him about the incident in sign language. Therefore, it is the act of the father of the prosecutrix herself, which raises doubts on the correctness of the prosecution case. Therefore, it is prayed that the applicant be granted regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that there is evidence present in this case by way of statement of father of the deceased/prosecutrix and also the sister of the prosecutrix that they were informed by the prosecutrix in sign language about the incident that has taken place, therefore, no case is made out for grant of regular bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, the parents of the prosecutrix, who is deaf and dumb had been out in search of labour work. It is alleged that this applicant, who is uncle in relation to the prosecutrix, taking advantage of the physical condition of the prosecutrix had ravished her on number of occasions because of which, she became pregnant,

when the pregnancy was known, it is alleged that this applicant had given something to eat to the prosecutrix because of which, she had been suffering from abdominal pain and at that time she narrated the incident to her sister in sign language.

6. Considered on the submissions made and the contents of the case diary. After considering all the facts and circumstances of the case, this Court is of the opinion that present is not a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge