

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1030 of 2020**

- Jugnu Ghansi S/o Ramkaran Aged About 21 Years R/o Village Chitarpur, P. S. Lundra, District Surguja Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Woman Ambikapur, District Surguja Chhattisgarh

---- Respondent

For Applicant	:	Shri Sunil Tripathi, Advocate
For State	:	Shri Ravish Verma, Govt. Adv.
For Objector	:	Shri Gulsher Khan, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****11/08/2020**

Heard.

1. The applicant has been arrested in connection with Crime No.61/2019 registered at Police Station – Women Police Station, Ambikapur, District – Surguja (C.G.) for alleged commission of offences under Section 376 (घ), 323, 34 of IPC and Section 3 (2-5), S.C.S.T. Prevention of Atrocities Act, 1989.
2. Prosecution story is that the prosecutrix was contacted in the midnight by one of the accused – Chanthhu and she was taken to a lonely place where other accused including the present applicant joined and it is stated that all four persons committed gang rape on the prosecutrix.
3. Learned counsel for the applicant would argue that the prosecution case smacks of false implication. He would submit that though the incident is said to be occurred on 01/11/2019, report was lodged after 10 days. Next submission is that the story, as stated by the prosecutrix in her two diary statements and one statement under Section 164 CrPC is not only contradictory to each other on material aspects but also appears to be improbable because the prosecutrix is not a minor and the very fact that in the

midnight, she came out of her house and went along with one of the accused – Chanthhu, *prima facie* shows that the allegations against the present applicant are fabricated. It is also argued that the identification parade has no meaning because even according to the prosecutrix, she had taken a photograph of the accused in the market, meaning thereby that she had already known them. He further submits that the prosecution story is not supported from the medical evidence because the prosecutrix has been found to be habitual to sexual intercourse and no external injury on any part of the body was found. It is prayed that as investigation is complete and charge sheet has been filed, the applicant may be granted bail.

4. On the other hand, learned State counsel and counsel for objector oppose bail application and submit that the prosecutrix has emphatically stated though with some minor variations that in the night, she was taken to a lonely place where Chanthhu and other accused persons committed gang rape. It is submitted that delay in lodging FIR was occasioned because the father of the prosecutrix was not available at the station and when he came back, he was disclosed the incident and report was lodged.

5. Taking into consideration the submission of learned counsel for the parties particularly the statement of the prosecutrix and that present case is of allegation of gang rape by as many as four persons on the prosecutrix, present is not found to be a fit case for grant of bail. The application is accordingly rejected.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge