

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5225 OF 2020**

Santosh Das S/o Mehttar Das Aged About 35 Years R/o Village Amaldiha, Ps-
Kartala, District- Korba, Chhattisgarh **---- Applicant**

Versus

State of Chhattisgarh Through Officer-In-Charge, Police Station- Dharamjaigarh,
District- Raigarh, Chhattisgarh **---- Respondent**

For Applicant	:	Shri Ashutosh Mishra, Adv.
For State	:	Shri Alok Bakshi, Addl. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board**16/10/2020**

1. Heard on application for grant of bail.
2. The applicant has been arrested on 29.06.2020, on the allegation of having committed offence under Sections 376, 506 of Indian Penal Code. He moved this application for grant of bail in connection with Crime No.111/2020 registered at Police Station Dharamjaigarh, District- Raigarh, Chhattisgarh.
3. Prosecution allegation is that the applicant had taken the prosecutrix for certain work i.e. correction of Adhaar Card but then he took the prosecutrix deep inside of forest and committed rape on her.
4. Learned counsel for the applicant would argue that the allegation is highly improbable because the prosecutrix is accompanied with the applicant and if she was compelled to go, she would definitely offered

resist and left the vehicle. He would next submit that though the prosecutrix states that she offered resistance, scuffled and tried to run away but there are no internal and external injury, therefore, it is a case of false implication.

5. On the other hand, learned State counsel submits that in the present case, though trial has not been concluded, the prosecutrix has come out with categorical allegations in the FIR as well as in case diary statements under Section 164 of CrPC states that the applicant had taken her forcefully inside deep jungle and rape was committed on her despite resistance. He would next submit that prosecutrix was carrying four months pregnancy. It was also argued that FIR promptly lodged on the next day of incident.
6. I have heard learned counsel for the parties and taking into consideration the nature and gravity of allegations, present is not fit case for grant of bail, therefore, at this stage, the application is rejected.

Sd/-

(Manindra Mohan Shrivastava)

Judge