

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUROrder Reserved on 15.10.2020Order delivered on 28.10.2020MCRC No. 5850 of 2020

- Shivprasad Sarthi S/o Manbodhi Sarthi Aged About 26 Years R/o Kharwani Bade P.S. And Tahsil Sarangarh District Raigarh Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through District Magistrate Raigarh, District Raigarh Chhattisgarh And Through The Station House Officer, Police Station - Sarangarh District Raigarh Chhattisgarh.

---- Respondent

For Applicant	Mr. M.K. Jaiswal, Advocate
For Respondent/State	Mr. Vimlesh Bajpayee, Govt. Advocate

Proceedings through Video ConferencingSB: Hon'ble Mr. Justice Prashant Kumar MishraC A V Order

1. Heard.
2. This is an application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No.103/2020 registered at Police Station Sarangarh, District Raigarh (CG) for the offence punishable under Sections 376, 506, 34 of the IPC.

3. As per the prosecution case, the prosecutrix, aged about 32 years, had gone for attending nature's call in an agricultural field at about 4:00 a.m. on 2.2.2020. At that time, the applicant reached there; gagged her; and abducted her with the help of co-accused Laxmi Prasad and Munudau and took her to Raipur and thereafter, to Surat (Gujarat). The prosecutrix was subjected to forcible sexual intercourse by the applicant in the agricultural field in presence of two other co-accused and thereafter, she was restrained at Surat (Gujarat) for a week and was subjected to regular sexual intercourse by this applicant.
4. As per the FIR, the prosecutrix somehow contacted her relatives over mobile phone, whereafter, her husband and other relatives reached Surat and brought her back. In the entire charge sheet, there is no hint that the prosecutrix had an affair with the applicant, therefore, it is difficult to cull out a case of consent at this stage.
5. Considering the entire facts situation of the case and the material available in the case diary, this Court is not inclined to release the applicant on regular bail.
6. Accordingly, the bail application is dismissed.

Sd/-

(Prashant Kumar Mishra)

Judge

Gowri