

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6078 of 2020

- Jhiman S/o Kashtu Ram, Aged About 50 Years R/o Khajuriadih, P.S- Chando, Tehsil-Kusmi, District-Balrampur-Ramanujganj, C.G.

---- Applicant

Versus

- State Of Chhattisgarh Through - P.S- Chando, District- Balrampur-Ramanujganj, C.G.

---- Respondent

For Applicant	:	Shri Pushkar Sinha, Advocate
For Respondent/State	:	Shri Dinesh Tiwari, Dy.G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

01/12/2020

- 1) The applicant was arrested on 30.09.2019. He moved this first bail application under Section 439 of CrPC for grant of bail in connection with Crime No. 25/2003, registered at Police Station- Chando, District- Balrampur-Ramanujganj (C.G.) for the offence under Section 341, 376, 323, 34 of Indian Penal Code.
- 2) Prosecution case in brief is that prosecutrix lodged report against the present applicant and co-accused Satan Ghasi to the effect that on the date of incident i.e. 19.06.2003 the prosecutrix alongwith Chehari Bai gone to forest for getting wood. While, they were returning, co-accused Satan came to her and took her towards Baskepi forest with the help of the present applicant, where co-accused Satan committed rape on her. In the evening co-accused Satan took the prosecutrix to his home and sent the present applicant for bringing food, it is further alleged that co-accused Satan also had forcibly sexual intercourse, she came out from there and reached the house of her brother and thereafter, she lodged report against the present applicant and co-accused.
- 3) Learned counsel for the applicant submits that the applicant is an

innocent person, he was not involved in the present case, he was falsely implicated in the present case, as investigation is complete, charge-sheet has been filed and he is in jail since 30.09.2019 therefore, he may be released on bail.

- 4) On the other hand, learned State Counsel opposes the prayer for grant of bail and submits that prima-facie case is made out against the present applicant because he was accompanying the co-accused namely Satan throughout and also used filthy words against the prosecutrix.
- 5) Having heard learned counsel for the parties, having regard to the manner in which the offence has been committed, the role allegedly played by the present applicant and the fact that he remained absconding for nearly about 17 years after the incident, this Court is not inclined to release the present applicant on bail.
- 6) Accordingly, the bail application is rejected.

Sd/-
(Gautam Chourdiya)
Judge

Nadim