

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 7269 of 2020

- Devvrat Thakur, s/o Late Sunder Lal Thakur, aged about 20 years, R/o vill Ghorari, PS Ranitrai, Tah Patan, District Durg, Chhattisgarh

---- Applicant (In Jail)

Versus

- State of Chhattisgarh Through the Police Station Ranitrai, Tah Patan, District Durg Chhattisgarh

---- Respondent

For Applicant	: Shri LK Ramteke, Advocate
For Respondent/State	: Shri Ashish Tiwari, GA

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

17.12.2020

1. Applicant has preferred this application under Section 439 CrPC for grant of regular bail as he has been arrested in connection with Crime No.92 of 2020 registered at Police Station Ranitrai, District Durg CG for the offences punishable under Sections 323, 506, 376(D), and 376(2)(b) of the IPC.
2. Case of the prosecution in brief is that on 09.07.2020 at about 7.30 pm prosecutrix came to her house with injury over her lips and her wearing of cloths were also found to be not in order. On suspicion of any unfortunate happening with her daughter, mother of the prosecutrix checked her cloths on which she found sign of intercourse with her by some person. She called Lata Mandavi, thereafter, they asked the prosecutrix upon which she narrated incident by sign and action, informing the incident to be committed by the present applicant and one Abhishek Markande. The incident was reported to concerned Police Station upon which crime was registered against the present applicant.

3. Shri Ramteke, learned counsel for the applicant submits that no specific allegation is levelled by the prosecutrix against the present applicant. Learned counsel submits that the prosecutrix is differently abled girl and is unable to speak. She could not point out as to who have committed any offence with her. Parent of the prosecutrix on the basis of presumption, has implicated the present applicant in the instant crime.

4. Shri Ashish Tiwari, learned Government Advocate for the State opposing the submission made by learned counsel for the applicant submits that allegation levelled against the present applicant along with co-accused is of heinous nature. He submits that the prosecutrix is differently abled girl with whom applicant along with co-accused committed rape and corresponding injuries are there on her private parts hence the applicant is not entitled for the benefit under Section 439 of the CrPC.

5. I have heard learned counsel for the parties.

6. Taking into consideration the prosecutrix to be differently abled girl, she has narrated to her mother by sign that applicant and co-accused had committed alleged offence with her, injuries found in MLC report, I am not inclined to enlarge the applicant on bail. Accordingly, MCRC-7269 of 2020 is dismissed.

Sd/-
(Parth Prateem Sahu)
JUDGE