

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 170 of 2021

1. Rampratap @ Goli S/o Late Rajaram Aged About 28 Years R/o Laxmi Nagar, Supela, Bhilai, Police Station- Supela, Tahsil And District- Durg, Chhattisgarh
2. Sunil Kumar Verma S/o Late Rajaram Aged About 28 Years R/o- Panchrasta, Ward No. 6, Police Station- Supela, Tahsil And District- Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, Durg, District Durg, Chhattisgarh And Also Through Police Station- Durg, District Durg, Chhattisgarh

--Non-Applicant

For Applicants	: Shri Dashrath Kushwaha, Advocate
For Non-Applicant/State	: Shri Vimlesh Bajpai, G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

12/02/2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested on 20.10.2020 in connection with Crime No.722/2020, registered at Police Station- Durg, District Durg(C.G.) for the offence punishable under Section 376 (D) of the IPC.
2. Case of the prosecution is that the prosecutrix has lodged a report that on 19.10.2020, when she was standing at Kachahari Chowk Durg, one person came there and on the pretext of providing job of cleaning, took her in the building which was under-construction and committed forcible sexual intercourse with her and thereafter he called the another applicant and he

also committed sexual intercourse with her. The prosecutrix reported the matter to the police and in test identification, she has identified the applicants.

3. Learned counsel for the applicants submits that the allegations against the applicants are false and fabricated and they have been falsely implicated in the case. He submits that the prosecutrix is a married lady and she was a consenting party and she herself had gone with the applicants. He further submits that charge sheet has been filed and no offence is made out against the applicants under the above mentioned Section of the IPC, therefore, at this stage, they may be granted bail.
4. On the other hand, learned counsel for the Non-Applicant/State opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, particularly considering the fact that on the pretext of providing job, the applicants have taken the prosecutrix in an under-construction building and there they committed forcible sexual intercourse with her one by one; and the material collected by the prosecution, I am not inclined to grant bail to the applicants.
7. Accordingly, the bail application is dismissed.

Sd/
(Gautam Chourdiya)
Judge