

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 417 of 2021

1. Ramnath S/o Late Madan Aged About 60 Years R/o Village - Khatwabardar, Police Station - Pasta, District - Balrampur, Ramanujganj Chhattisgarh.
 2. Shivprakash S/o Late Banvari Yadav Aged About 50 Years R/o Village - Khatwabardar, Police Station - Pasta, District - Balrampur, Ramanujganj Chhattisgarh.
- Applicants**

Versus

State of Chhattisgarh through Police Station Pasta
District - Balrampur - Ramanujganj Chhattisgarh.

--- Respondents

For the applicants	: Mr. A.N. Pandey, Advocate.
For the State	: Mr. Ashish Tiwari, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27.07.2021

1. Apprehending arrest in connection with Crime No. 10/2021 registered at Police Station Pasta, District Balrampur, Ramanujganj (C.G) for the offences punishable u/ss 450, 376(D) & 506 of IPC the applicants have filed applications u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, on 15.01.2021 the applicants entered into the house of prosecutrix and committed forcible rape on her.
3. Learned counsel for the applicants would submit that earlier one Karishma has lodged report that Sukhna, Shiv Prasad and Dharam Sai committed rape, for which, a case under section 376 of IPC was registered vide Crime

No.9/2021 and in the present case, the wife of Sukhna who was made accused on the earlier report of Karishma in order to counter the said allegation made a false report. He would submit that it is unnatural to hear that the applicants and his brother will go and commit such kind of rape on the same day on 15.01.2021 when the earlier report was made. It is stated that Panchnama would show that the villagers also opined that the applicants are not involved in such crime and in order to counter the earlier report, false report has been made.

4. Per contra, learned State Counsel opposes the bail. He read out the statement of prosecutrix and would submit that criminal antecedents are reported against the present applicants.
5. Considering such facts situation and the nature of allegations, the submission of the applicants at this stage cannot be considered as against the report of the prosecutrix. Therefore, taking into totality of the circumstances, I am not inclined to allow this bail application. Accordingly, it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**