HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8534 of 2020

- Ujlan Ansari, S/o Neyaj Mohammad, Aged About 21 Years, R/o Village Narayanpur, Police Station and Tahsil Ramanujnagar, District-Surajpur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer Police of Police Station Ramanujnagar, District-Surajpur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. P.K. Tulsyan, Advocate.
For Respondent/State	:	Mr. Gurudev I. Sharan, Govt. Advocate.
For Objector	;	Mr. Hariom Rai, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

19/01/2021

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.183/2020 registered at Police-Station-Ramanujnagar, District-Surajpur(C.G.) for the offence punishable under Sections 376 of IPC and Section 4 & 6 of POCSO Act.

2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The applicant nad the prosecutrix are distantly related to each other. There had been some dispute between the family of the applicant and prosecutrix because of which counter FIR's have been registered against each

other, hence, false FIR has been lodged against the applicant for the reason of the previous enmity. The FIR has been lodged after a delay of more than 24 hours. Apart from that the medical report also does not confirm about the occurrence of any sexual intercourse with the prosecutrix, therefore, the case against the applicant is totally false. He is in jail since 23.10.2020. He is also a patient of sickle-cell anemia, therefore, it is prayed that he may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the prosecutrix has given statement under Sections 161 & 164 CrPC in which she has clearly alleged about the commission of offence of rape by this applicant. Therefore, no case is made out for grant of bail.

4. Learned counsel for the objector adopts the arguments advanced by the learned State counsel and submits that the application be rejected.

5. I have heard the learned counsel for both the parties and perused the case diary.

6. As per prosecution case, It is submitted that the prosecutrix went to visit her sister-in-law when she was their in her house this applicant, who happens to be brother of the sister-in-law of the prosecutrix ask the prosecutrix to take a walk with him and then he took the prosecutrix to a lonely place where he forcibly raped her by putting her under threat.

7. Considered on the submissions and the facts present in the case. As there is direct statement present of the prosecutrix against this applicant regarding the commission of offence of rape and the grounds raised for grant of bail are subject to examination in the trial itself for

believing or disbelieving the statement of the witnesses, therefore, I do not feel inclined to allow the bail of this applicant.

8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha