
(2006) 07 AHC CK 0211

In the Allahabad High Court

Case No : Criminal M. Bail Application No. 13104 of 2006

Nagendra Singh alias Kukku

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision : 25-07-2006

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 161

Citation : (2007) 1 ACR 753

Hon'ble Judges : G.P. Srivastava, J

Bench : Single Bench

Advocate : Rahul Chaturvedi, for the Appellant; K.P. Pandey, A.G.A., for the Respondent

Final Decision : Dismissed

Judgement

G.P. Srivastava, J.—Heard learned Counsel for the applicant and learned A.G.A.

2. According to the prosecution case in the intervening night of 11/12.5.2006 at about 2.00 a.m. when the victim was sleeping alongwith her children in her house the applicant alongwith other entered the house and at the pointing of revolver committed rape upon her after gagging her mouth. The victim in her statement recorded u/s 161, Cr. P.C. has supported the version of the first information report.

3. Learned Counsel for the applicant has argued that it is not possible that the rape was committed in the night when the family members were already present. The answer lies in the statement of the victim as she has stated that when the accused person fled away she raised alarm and then her brother-in-law and other family members reached there. Her husband was not present in the house. The victim is a married lady having children so the absence of any injuries in the medical examination report is immaterial.

4. No ground for bail is made out. This bail application is rejected.