

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3261 of 2015**

- Prashant Bengali (Goldar), S/o Sarad Goldar, aged about 42 years, Resident of near Jindal Colony Oriya-Basti, Police-Station Mandir Hasod, District Raipur (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through its Police Station-Mandir Hasod, District Raipur, Civil-Revenue District – Raipur (C.G.)

---- Respondent

For Applicant: Shri Rekhraj Baghel, Advocate.
 For Non-Applicant/State: Shri S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****14/07/2015**

Heard.

(1) The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 72/2015 registered at Police Station Mandir-Hasod – Raipur, Civil & Revenue Distt. Raipur for the offences punishable under Sections 376 of the Indian Penal Code & Section 3(1)(xi) of the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act.

(2) Case of the prosecution, in brief, is that applicant is alleged to have committed sexual intercourse with the prosecutrix against

her will on 21.03.2015 and, thereby, committed the aforesaid offences.

(3) Counsel for the applicant submits that the delay in lodging the F.I.R. i.e. on 29.03.2015 akes the prosecution story doubtful and, as such, applicant is languishing in jail since 31.03.2015; charge sheet has already been filed and no custodial interrogation is required and, therefore, the applicant may be released on bail.

(4) On the other hand, learned counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case; further considering the nature & gravity of the offence and the manner in which the applicant is alleged to have committed sexual intercourse with the prosecutrix, which is apparent from her statement recorded under Sections 161 & 164 of the Indian Penal Code; I am not inclined to release the applicant on bail. Thus, bail application is rejected.

(6) Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-

