

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3914 OF 2015**

Devid Pradhan, S/o Ujagar, aged about 23 years, Caste Kolta, R/o Kudkel, Khajri, Baigapara, Tahsil Pathalgaon, Dist. Jashpur (CG)

---Applicant

Versus

State of Chhattisgarh, Through the Station House Officer, Police Station Kansabel, Dist. Jashpur (CG)

---Non-applicant

For Applicant	:	Mr. Jitendra Shrivastava, Advocate.
For-Non-applicant	:	Mr. Qamarul Aziz, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****11/08/2015**

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 applicant who has been arrested in connection with Crime No. 77/2015, registered at Police Station Kansabel, Jashpur, for the offence punishable under Sections 343, 376 of Indian Penal Code.

2. Case of the prosecution, in brief, is that, applicant is said to have committed sexual intercourse with the prosecutrix on 26/04/2015 and thereby committed offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in offence in question. He would further submit that prosecutrix is major and consenting party and as such, she is voluntarily gone with the applicant. He would also submit that there is no medical evidence supporting the offence in question.

He would lastly submit that charge sheet has been filed and applicant is in jail since 02/05/2015 therefore, he may be released on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail.

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

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; role of the applicant in offence in question and manner, in which, rape has been committed with married woman, this Court is not inclined to release the applicant on regular bail.

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

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE