

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.4187 of 2015

Omprakash Sahu, S/o Uttam Sahu, aged about 23 years, R/o Village Chhchhanpahari, Thana Ambagarh Chauki, District Rajnandgaon (C.G.)
 ---- Applicant

Versus

State of Chhattisgarh, Through Thana Ambagarh Chauki, District Rajnandgaon (C.G.)
 ---- Non-applicant

For Applicant:	Mr. Samir Singh, Advocate.
For Non-applicant:	Mr. Suvigya Awasthi, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

24/08/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.159/2015 (Criminal Case No.455/2015 pending in the Court of Judicial Magistrate First Class, Ambagarh Chauki), registered at Police Station Ambagarh Chauki, Distt. Rajnandgaon, for the offence punishable under Sections 376 & 506 of the IPC.
2. Case of the prosecution, in brief, is that the applicant is said to have committed sexual intercourse with the prosecutrix and forced her to kill her if the fact of rape is informed to any one and thereby committed the offence.
3. Learned counsel for the applicant submits that the applicant has not committed any offence, he has falsely been implicated in the case, he is in custody since 6-7-2015, in fact, the prosecutrix was married with a person and when there is dispute with her husband, she came back to

her parental house and lodged report against the applicant which suffers from delay and laches. He also submits that since the prosecutrix was pregnant at the time of marriage with other person, she was not accepted by the said person and thereafter, the FIR came to be lodged, as the said person has even refused to grant maintenance to her and to her minor child.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence and evidence available against the applicant, I am not inclined to grant regular bail to the applicant. Consequently, the application is rejected.

Sd/-
(Sanjay K. Agrawal)
Judge