

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4836 of 2015**

- Sudama Prasad, son of Ramsunder, aged about 60 years, Caste-Gaderi, resident of Village-Torfa, Tahsil-Wadrafnagar, District Balrampur-Ramanujganj (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through: Incharge Police Chowki-Balangi, Police Station-Raghunathnagar, District Balrampur-Ramanujganj (C.G.)

---- Non-applicant

For Applicant: Mr. D.N. Prajapati, Advocate.
For Respondent/State: Mr. SRJ Jaiswal, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****21/09/2015**

Heard.

(1) The accused/applicant has moved 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. 26/2015 registered at Police Station Police Chowki-Balangi, Police Station – Raghunathnagar, District Balrampur-Ramanujganj for the offences punishable under Sections 376 & 450 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that on 22.4.2015 at 9 pm applicant entered into the house of prosecutrix and committed forcible sexual intercourse with her against her will and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that applicant has falsely been implicated in the offence in question as the prosecutrix's husband – Kashiram Patel committed sexual intercourse with daughter in law of the present applicant, against which, FIR has been lodged on 9.7.2014 and husband of the prosecutrix is in jail since then. He would further submit that there is no medical evidence on record to connect the present applicant in the offence in question and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State would submit that applicant was caught at the place of occurrence by the prosecutrix with the assistance of her relative and he was locked in the room by the prosecutrix, which has been witnessed by Rajkumar, Kamla Prasad & Chhotelal and, therefore, he is not entitled to be released on bail.

(5) Taking into consideration the facts & circumstances of the case; and the fact that applicant was caught by the prosecutrix and the manner in which the applicant is said to have committed sexual intercourse with the prosecutrix; and the other material collected by the prosecution; I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-