

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4782 of 2015**

Praveen @ Krishna Katlam son of M.R. Katlam, aged about 23 years, Caste-Gond, resident of Village-Koylibeda, Police Station-Koylibeda, Tahsil-Pakhanjur, District-North Bastar Kanker (CG)

---Applicant

Versus

State of Chhattisgarh Through: Station House Officer, Police Station-Koylibeda, District-North Bastar Kanker (CG)

---Non-applicant

For Applicant	:	Mr. D.N.Prajapati, Advocate
For Non-applicant	:	Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

14/09/2015

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.16/2015, registered at Police Station-Koylibeda, District-North Bastar Kanker (C.G.), for the offence punishable under Section 376 of the IPC.
2. Case of the prosecution, in brief, is that the applicant committed forceful intercourse with the prosecutrix for two years till the date of lodging the F.I.R. i.e. on 5.5.2015 and thereby committed the aforesaid offence.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence and the prosecutrix was major and considering party as she was demanding money, which the applicant has refused, she has falsely been implicated the present applicant in crime in question. He would further submit that the applicant is in jail since 12.5.2015 and charge-sheet has already been filed and therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

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 and the manner in which the applicant is said to have committed forcefully sexual intercourse for a period of two years on the pretext of marriage and by which she is said to have become pregnant, this Court is of the opinion that present is not a fit case, in which, the applicant should be enlarged on regular bail.

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

8. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-