

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3760 OF 2015**

Awadhesh Singh S/o Shri Shivbachan Singh, Aged About 23 years, R/o Rewatipur, Police Station Ramchandrapur, Distt.- Balrampur (C.G.)

---Applicant**Versus**

State of Chhattisgarh, Through:- the Station House Officer, Police Station Ramchandrapur, Distt.-Balrampur (C.G.)

---Non-applicant

For Applicant	:	Mr. Rishi Rahul Soni, Advocate.
For-Non-applicant	:	Mr. S.R.J. Jaiswal, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****04/08/2015**

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. 3/15, registered at Police Station Ramchandrapur, Civil District Sarguja Revenue District Balrampur, for the offence punishable under Sections 376 (h) of Indian Penal Code and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Case of the prosecution, in brief, is that, on 28/01/2015 applicant committed sexual intercourse with the pregnant prosecutrix 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 there is delay of 7 days in lodging FIR

and no custodial interrogation is required. He would lastly submit that charge sheet has been filed and applicant is in jail since 06/02/2015, therefore, he may be released on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and referring to the statement of Manish Kumar, who came to the place of occurrence after call made by the prosecutrix.

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, applicant is alleged to have committed sexual intercourse with the pregnant prosecutrix, 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