

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4753 OF 2015**

Jaiprakash S/o Mantheer Mahant aged about 21 years R/o village Khokhara,
P.S. Pussor Distt. (Rev. and Civil) Raigarh (C.G.)

---Applicant

Versus

State of Chhattisgarh through Police Station P.S. Pussor, Distt. Raigarh
(C.G.).

---Non-applicant

For Applicant	:	Mr. Vivek Kumar Pandey, Advocate.
For-Non-applicant	:	Mr. Qamarul Aziz, P.L.

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. 121/2015, registered at Police Station Pussor District Raigarh (C.G.), for the offence punishable under Sections 376, 506 of I.P.C.

2. Case of the prosecution, in brief, is that, from 03/09/2014 to May, 2015, applicant committed forcible sexual intercourse with the prosecutrix and thereby committed aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in the case. He would further submit there is huge delay in lodging the FIR. He would lastly submit that charge sheet has been filed and applicant is in jail since 23/07/2015, therefore, he may be released on bail.

4. Learned State counsel would oppose the prayer for grant of bail and submit that on the pretext of marriage, applicant committed forcible sexual intercourse with the prosecutrix and also got her marriage broken, therefore, he is not entitled to be released on 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; statements of prosecutrix under Sections 164 & 161 of Cr.P.C. and the manner, in which, applicant is said to have committed forcible sexual intercourse with the 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. However, trial Court is directed to expedite the trial and decide the case as early as possible.

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE