

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4903 of 2015**

- Asan Ram, S/o Khopa Ram, by Caste-Gond, aged about 60 years, Occupation-Agriculturist, R/o Village Bargidih, P.S. & Tahsil-Lundra, Civil & Revenue District – Surguja (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through: Station House Officer, Police Station – Lundra, Distt. Surguja (C.G.)

---- Non-applicant

For Applicant: Mr. Awadh Tripathi, Advocate.
For Respondent/State: Mr. Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****16/09/2015**

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. 61/2015 registered at Police Station Lundra, Distt. Surguja (C.G.) for the offences punishable under Sections 376, 450 & 506 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that on 31.5.2015 at 11 p.m. applicant entered into the house of the prosecutrix and committed sexual intercourse with her against her will and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that prosecutrix is major girl and applicant is aged about 55 years; and the story projected is improbable as there is no medical evidence connecting the applicant in the offence in question. He further submits that son of the prosecutrix was sleeping along with her at the time of offence and she did not raise any alarm and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case; further considering the statement of the prosecutrix and the manner in which applicant is said to have committed sexual intercourse with her taking advantage that she is widow lady, 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/-