

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4948 OF 2015**

Sanjay Yadav, S/o Shri Rampyari Yadav, aged about 19 years, Caste Ahir,
R/o. Dataunpani, Police Station Bagicha, District-Jashpur (Chhattisgarh)

---Applicant

Versus

State of Chhattisgarh Through : Police Station-Bagicha, District-Jashpur
(Chhattisgarh)

---Non-applicant

For Applicant	:	Mr. S.C.Verma, Advocate.
For-Non-applicant	:	Mr. Varun Sharma, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****29/09/2015**

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.127/2015, registered at Police Station-Bagicha, District-Jashpur (C.G.), for the offence punishable under Sections 376 and 366/34 of the IPC.

2. Case of the prosecution, in brief, is that on 17.6.2015 the applicant abducted/kidnapped the married prosecutrix and committed forceful sexual intercourse with her and thereby committed the aforesaid offences.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and he has been falsely implicated in crime in question. He would further submit that the incident took place on 17.6.2015 and F.I.R. has been lodged on 11.6.2015 and there is no plausible

explanation of delay in lodging the FIR. He would also submit that medical evidence is not supporting the case of the prosecution. The applicant is in jail since 24.6.2015 and charge-sheet has already been filed and therefore, he may be enlarged on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that the prosecutrix has recently married and when she come to her parental house, the applicant kidnapped her and taken to dense forest and committed forceful sexual intercourse with her, which is apparent from her 161 and 164 statements and statements of her brother and sister. He would also submit that delay in lodging the FIR has been explained as she was recovered on 18.6.2015, matter was reported to her father-in-law who resides at village Dhawalpur and therefore, delay has been occurred.

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; the manner in which the applicant is said to have kidnapped the married prosecutrix, taken her to dense forest and alleged to have committed forceful sexual intercourse with her, 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

B/-

