

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 619 OF 2016**

Parmanand Yadaw, S/o Natho Ram Yadaw, aged 55 years, caste Mahkul, R/o Vill. Mudapara, Thana Pathalgoan, Civil & Revenue Distt. Jashpur, Distt. Jashpur (C.G.)

---Applicant**Versus**

State of Chhattisgarh, Through P.S. Pathalgoan, Distt. Jashpur (C.G.)

---Non-applicant

For Applicant	: Ms. Sharmila Singhai, Advocate.
For-Non-applicant	: Mr. O.P. Sahu, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****17/02/2016**

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. 202/2015, registered at Police Station Pathalgoan Distt. Jashpur, for the offence

punishable under Sections 294, 506 Part II, 342, 376, 201 of Indian Penal Code.

2. Case of the prosecution, in brief, is that, on 17/08/2015, applicant forcibly committed sexual intercourse with prosecutrix; confined her and also assaulted her 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 that applicant is incapable of performing sexual intercourse. He would further submit that no useful purpose would be served by keeping him in jail. He would lastly submit that charge sheet has been filed and applicant is in jail since 14/10/2015, therefore, he may be released on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that medical evidence is available as the prosecutrix suffered number of multiple injuries on her private part.

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; evidence available on record; nature of injuries suffered by the prosecutrix, I am 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