

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.692 of 2016

Indrajeet Durge, S/o Vidhyadhar Durge, aged about 21 years, Caste Kumhaar, R/o Vill. Palli Bhata, P.S. Bhanpuri, Tah. Jagdalpur, District Bastar (C.G.), Civil & Revenue District Bastar (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Police Station Bhanpuri, District Bastar (C.G.), Civil & Revenue District Bastar (C.G.)

---- Non-applicant

For Applicant:	Mr. Vikas A. Shrivastava, Advocate.
For Non-applicant:	Mr. Neeraj Kumar Sharma, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

23/02/2016

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.151/2015, registered at Police Station Bhanpuri, Distt. Bastar, for the offence punishable under Sections 376 and 450 of the IPC.
2. Case of the prosecution, in brief, is that on 11-11-2015, in the night, the applicant forcefully entered into the house of the major prosecutrix and forcefully committed sexual intercourse with her, and thereby committed the offence.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case, there is delay of 17 days in lodging the FIR as such, false case has been registered against the applicant and the prosecutrix is major and consenting party. The applicant is in jail since 30-11-2015 and

charge-sheet has already been filed.

4. On the other hand, learned State counsel opposes the bail application and brings to the notice of the Court that husband of the prosecutrix was out of station and as soon as her husband came back, report was lodged and statement of the prosecutrix is supported by her minor son who has also deposed against the applicant.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, statement of minor son of the prosecutrix and other evidence available in the case diary, I am not inclined to grant regular bail to the applicant. Consequently, the application is rejected.

Sd/-
(Sanjay K. Agrawal)
Judge