

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1384 of 2016**

Sanjay Yadav son of Late Indradev Yadav aged about 28 years residence of village Nawadih Harijan Para P.S. Trikunda District Balrampur Revenue District Balrampur Civil District Sarguja C.G.

---Applicant**Versus**

State of Chhattisgarh, through Station House Officer P.S. Trikunda District Balrampur C.G.

---Non-applicant

For Applicant	:	Mr. C.J.K. Rao, Advocate
For-Non-applicant	:	Mr. Dhiraj Wankhede, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****15/03/2016**

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. 13/2016, registered at Police Station Trikunda, District Balrampur (C.G.), for the offence punishable under Sections 342, 376 of I.P.C. & Section

3(2-5) of Schedule Caste and Schedule Tribe Atrocities Act.

2. Case of the prosecution, in brief, is that, on 25/11/2015 at about 10.00 PM applicant committed 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 that prosecutrix is major and consenting party. He would lastly submit that applicant is in jail since 26/11/2015 and charge sheet has been filed, therefore, he may be released on bail.

4. Learned State counsel would oppose the prayer for grant of bail and submit that FIR was lodged on 25/11/2015 at about 11.45 PM and there is ample evidence to connect the applicant in offence in question.

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 against the present applicant and promptly lodging of FIR, 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