

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1830 OF 2016**

Krishna Banjare S/o Rupdas Banjare aged about 43 years
R/o Vilalge Mehna Tahsil Nawagarh Thana Nandghat
District Bemetara (C.G.)

---Applicant**Versus**

State of Chhattisgarh, through Police Station Nandghat,
District Bemetara (C.G.).

---Non-applicant

For Applicant	:	Mr. Samir Singh, Advocate
For-Non-applicant	:	Mr. Vivek Singhal, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****06/04/2016**

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. 10/2016, registered at Police Station Nandghat, District Bemetara (C.G.), for the offence punishable under Sections 450, 376, 506 Part 2 of

I.P.C.

2. Case of the prosecution, in brief, is that, on 03/01/2016 applicant committed forcible sexual intercourse with major 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 there is eight delay in lodging of FIR. He would further submit that prosecutrix is major and consenting party. He would lastly submit that charge sheet has been filed and applicant is in jail since 10/01/2016, therefore, he may be released on bail.

4. Learned State counsel would oppose the prayer for grant of bail.

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; statement of victim recorded under Section 161 of Cr.P.C. and role of the present applicant, 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