

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1085 of 2016**

Rambihari Yadu, S/o Muritram Yadu, Aged about 22 years,
R/o Gram-Lawar, Police Station- Simga, District
Balodabazar-Bhatapara (C.G.)

---- Applicant

Versus

State Of Chhattisgarh: Through Station House Officer,
Police Station – Simga, District – Balodabazar- Bhatapara
(C.G.)

-----Non-applicant

For Applicant: Mr. Mateen Siddiqui, Advocate.
For Non-applicant/State: Mr. Neeraj Kumar Sharma, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****14/03/2016**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 413/2015 registered at Police Station Simga for the offences punishable under Sections 376, 506-B of Indian Penal Code and Section 3(1)(xii) of the Scheduled Castes & Scheduled Tribe (Prevention of Atrocities) Act.

(2) Case of the prosecution in brief is that on 16.12.2015 applicant committed forcible sexual intercourse with the major prosecutrix against her will and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that applicant has been falsely implicated in the offence in question as he has not

committed any offence; there is one day delay in lodging the FIR. He further submits that the prosecutrix has attended the duty even on next day of the incident i.e. 17.12.2016 in his form house and, as such, the applicant is in jail since 19.12.2015 and the charge sheet is yet to be filed but substantial investigation has already been completed and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case; looking to the nature and gravity of the offence; and the manner in which applicant is said to have forcibly raped the prosecutrix and supporting evidence available in the case diary; I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-