

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1461 of 2016**

Kripal Ram Kaser, aged about 50 years, S/o Javdir Kaser,
R/o Buriyapara, Manpur, Distt. - Surajpur (C.G.)

---- Applicant**Versus**

The State Of Chhattisgarh Through SHO, P.S.- Dharsinva,
Raipur (C.G.)

----Non-applicant

For Applicant: Mr. Vikram Singh , Advocate.
For Non-applicant/State: Mrs. Astha Shukla, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****30/03/2016**

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. 279/2015 registered at Police Station Dharsinva, Raipur (C.G.) for the offences punishable under Sections 498(A), 323, 34, 376 & 506 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that in the period between 17.4.2015 to 29.08.2015 applicant committed sexual intercourse with the prosecutrix as husband of the prosecutrix forced her to have physical contact with the applicant and the co-accused persons made a video clipping of rape by mobile phone

and thereby committed the aforesaid offences.

(3) Learned counsel for the applicant submits that there is long delay in lodging the FIR; there is no medical evidence against the applicant; applicant is in jail since 07.09.2015 and the charge sheet has already been filed 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; and the manner in which at the instance of husband of the prosecutrix, applicant is said to have committed sexual intercourse with her; and which is said to have been recorded by the other co-accused by mobile phone; I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-