

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.1541 of 2016

Balkaran @ Maiku, S/o Gendlal, aged about 28 years, Caste Agariya,
R/o Manwari, Police Station Kelhari, District Korea (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station
Kelhari, District Korea (C.G.)

---- Non-applicant

For Applicant:	Mr. Suryakant Mishra, Advocate.
For Non-applicant:	Mr. Avinash Singh, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

06/04/2016

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.6/2016, registered at Police Station Kelhari, Distt. Korea, for the offence punishable under Sections 453 and 376 of the IPC.
2. Case of the prosecution, in brief, is that on 30-1-2016, the applicant committed forceful sexual intercourse with the prosecutrix and thereby committed the offence.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has been falsely implicated in the case. The applicant is in jail since 31-1-2016 and charge-sheet has not been filed.
4. On the other hand, learned State counsel would oppose the application.

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, the manner in which forceful sexual intercourse is said to have been committed by the applicant with the prosecutrix and evidence available in the case diary, I am not inclined to grant bail to the applicant. The application is, therefore, rejected. However, the trial Court is directed to expedite the trial and conclude the same as expeditiously as possible.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma