

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3473 of 2017**

Ahibaran Singh Pando @ Baran Pando S/o Ratiram Aged About 28 Years R/o Binjhra Chandanpur, Police Station Katghora, District Korba, CG.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Katghora, District Korba, Chhattisgarh.

---- Respondent

For applicant	Mr. Aditya Khare, Adv.
For Respondent/State	Mr. Vasim Miyan, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****11-7-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 31-1-2017 in connection with Crime No.35/2016 registered in PS Katghora, Distt. Korba for offence punishable under Section 376 and 493 of the Indian Penal Code, 1860.
3. Learned counsel for the applicant submits that after investigation charge sheet has been filed and the same is pending before the Addl. Sessions Judge, Katghora as Cri. Case No. 19/2017. He submits that the prosecutrix has not stated anything which constitutes the offence of rape as defined in Section 375 of the IPC. This is his first bail application before this Court. He is first offender. He will not commit any offence in future if granted bail. He may be granted bail as the trial may take time.
4. Per contra, learned State counsel opposes the bail application and submits that in the FIR lodged by the prosecutrix and also in the statement under Section 164 of the Cr.P.C. prima facie it appears that the applicant committed forceful intercourse against will and consent

of the prosecutrix. Hence bail application may be dismissed.

5. Perused the matter.
6. On consideration of the evidence collected against the applicant, I am not inclined to grant bail to the applicant.
7. The instant MCRC is dismissed.

Sd/-
(Chandra Bhushan Bajpai)
Judge

Pathak