

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.5380 of 2017**

- Tejram Sidar S/o Muneshwar Sidar, Aged About 29 Years R/o Village Kotra, Police Station Kotra Road, Raigarh, Tahsil & District Raigarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Thana In Charge Kotra Road, District Raigarh, Chhattisgarh.

---- Respondent

 For Applicant : Shri Rajendra Tripathi, Advocate
 For Respondent/State : Shri Sumit Jhawar, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

08.9.2017

Heard the matter finally.

2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.271/2016 registered in Police Station Kotra Road, Distt. Raigarh (CG) for the offence punishable under Sections 457, 376, 323, 506B of the Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant has been arrested on 01.11.2016, after investigation charge sheet has been filed which is pending before Third Additional Sessions Judge Raigarh as Session Trial No.27/2017. Learned counsel for the applicant would submit that the applicant committed marpeet with the prosecutrix, the prosecutrix falsely implicated the applicant, the applicant is innocent, he may be enlarged on bail.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant.

5. Perused the entire material collected during investigation.

6. A perusal of the evidence collected during investigation, it appears that when the prosecutrix was in the house with her ten year old son, at about 7 pm, the applicant trespassed the house and assaulted the prosecutrix. On seeing this, son of the prosecutrix fled away from the spot. Thereafter, the applicant closed the door and committed sexual intercourse with the prosecutrix without her will and consent and thereafter fled from the spot. On due consideration of the entire material collected against the applicant, I am not inclined to grant bail to the applicant.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is hereby dismissed.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE