

HIGH COURT OF CHHATTISGARH, BILASPUR

Misc. Criminal Case No.5931 of 2017

- Bhim Sen Sarthi S/o Arun Pal Sarthi, Aged About 26 Years R/o Village Godri Para Chirmiri Police Station Chirmiri District Korea, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Chirmiri, District Korea, Chhattisgarh.

---- Respondent

For applicant	: Shri SA Ansari, Advocate
For respondent/State	: Shri Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

24.11.2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, for grant of bail to the applicant who has been arrested on 02.5.2017 in connection with Crime No.153/2017, registered at Police Station Chirmiri, Distt. Korea (CG) for the offence punishable under Sections 450, 506, 376 of the Indian Penal Code.

2. As per the prosecution story, on 11.01.2017 at about 7-8 p.m. when the prosecutrix was in her house, the applicant entered into the house of the prosecutrix and committed sexual intercourse with her against her will and consent.

3. Learned counsel for the applicant submits that there is delay in reporting the matter, it may be a case of consent, therefore, he may be enlarged on bail.

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

5. I have heard learned counsel for the parties and perused the case diary.

6. Taking into consideration that prosecutrix was in her house and it is the applicant who entered into the house of the prosecutrix at night and committed forcible sexual intercourse with her, there is prima facie evidence against the applicant for the commission of offence as mentioned above. Point of defence will be decided only after conclusion of the trial. Looking to the facts and circumstances of the case, the applicant is not entitled for grant of bail.

7. Accordingly, bail application filed under Section 439 CrPC is hereby rejected.

Sd/-
(Ram Prasanna Sharma)
JUDGE