

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 400 of 2018**

Manoj Kumar Dinde, aged 33 years, S/o late Roopdas, R/o village Kachlon, Cast Satnami, PS Simga, District Baloda Bazar Bhatapara (CG)

---- Applicant**Versus**

State of Chhattisgarh through SHO, PS Simga, District Baloda Bazar- Bhatapara (CG)

---- Respondent

For Applicant	:	Shri Hemant Gupta, Advocate
For Respondent/State	:	Smt. M. Asha, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****13/03/2018**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 23.08.2017 in connection with Crime No. 241/2017 registered at Police Station Simga, District Balodabazar Bhatapara (CG) for the offence punishable under Section 376 (2) of IPC.

2. The allegation against the present applicant is that on 22.08.2017, he is said to have forcefully dragged the prosecutrix into his washroom where he locked the deceased from inside. The said matter was immediately informed to the family members of the prosecutrix who along with other neighbours reached the spot and caught the applicant red handed.

3. Counsel for the applicant submits that it is a case where there is no evidence of proof of rape available in the case diary. He submits that even the medical evidence does not establish the same. He further submits that from the allegation, the offence which at best is made out would be under Section 354 of IPC and taking into consideration the period of custody

already undergone, the applicant may be released on bail.

4. State counsel, however, opposing the bail application submits that the prosecutrix in the instant case is of unsound mind as is reflected from the medical evidence so also the statement of her parents and neighbours. She submits that the applicant was caught red handed and under the circumstances, the applicant does not deserve to be released on bail.

5. Considering the facts and circumstances of the case, more particularly taking into consideration the fact that the prosecutrix is of unsound mind and the applicant was caught red handed, this Court is of the opinion that it is not a fit case for grant of bail.

6. Accordingly, the application filed under Section 439 CrPC for grant of bail stands rejected.

Sd/-
(P. Sam Koshy)
JUDGE