

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8162 of 2017

- Manharan Nishad S/o Kashiram Nishad, Aged About 23 Years R/o Village Beltukri, Police Station Bilha, Tahsil And District Revenue And Civil Bilaspur Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Bilha, District Revenue And Civil Bilaspur Chhattisgarh , Chhattisgarh

---- Respondent

For Applicant	:	Shri Anand Kesharwani, Advocate
For Respondent/State	:	Shri Luv Sharma, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order on Board

01.03.2018

1) This is the first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court. The applicant is arrested in connection with Crime No. 1105 of 2017 registered in Police Station Bilha, district Bilaspur (CG) for offences punishable under Sections 376, 506 and 450 of IPC.

2) Case of the prosecution, in brief, is that on 12.04.2017 at near about 8 am, when prosecutrix was alone at her home, the accused entered the house and committed rape with her. He gagged her and also threatened her to life. On 14.04.2017 the prosecutrix lodged FIR.

3) Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case; the prosecutrix is a

consenting party, there is delay in lodging the FIR; and he is in custody since 25.07.2017 and Criminal Case against the applicant may take long time for its final disposal. Therefore, the present applicant may be released on bail.

4) On the other hand, the learned Panel Lawyer for the State opposed the bail application.

5) Looking to the facts and circumstances of the case, looking to the nature of offence, looking to the impact of granting bail to the applicant on the society, this Court is not inclined to give benefit of Section 439 of the CrPC to the present applicant.

6) Accordingly, the bail application is rejected.

Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge