

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1517 of 2018**

Banas Patel, S/o- Fatte Patel, aged about 55 years, R/o Village- Sohaagpur,
Tehsil Kavardaah, District Kabirdham (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through S.H.O., P.S.- Khamharia, District- Bemetara
(C.G.)

---- Non-applicant

For Applicant	:	Mr. Aman Kesharwani,, Advocate.
For Non-applicant	:	Mr. Avinash Singh, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****16/04/2018**

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 02/2018 registered at Police Station - Khamaria for the offence punishable under Section 376 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that the applicant committed forcible sexual intercourse with the prosecutrix against her will and thereby committed the aforesaid offence.

(3) Learned counsel appearing for the applicant would submit that the applicant is innocent person and he has falsely been implicated in the crime in question. He further submits that the applicant is languishing in jail since 02.01.2018; charge sheet

has already been filed and no useful purpose would be served in detaining him further in jail and, therefore, the applicant is entitled to be released on bail.

(4) Per contra, counsel for the State would submit that the applicant is a *Baiga* and in order to treat the husband of the prosecutrix, he stayed in the house of the prosecutrix and committed forcible sexual intercourse with her against her will and therefore, the applicant is not entitled to be released on bail.

(5) I have heard the counsel appearing for the parties.

(6) Looking to the nature and gravity of the offence, in particular, the material collected by the prosecution against the applicant and the manner in which the offence is said to have been committed, I am not inclined to release the applicant on bail. Therefore, the bail application is rejected.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

