

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3581 of 2018**

Ramnarayan, S/o Dangal Singh, aged about 35 years, Caste Gond, R/o Village Pasa (Jolhapara), Thana Chandni, Tahsil Odhgi, District Surajpur (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Chandni, District Surajpur (CG).

---- Non-applicant

For Applicant : Mr. Sachin Singh Rajput, Advocate
For Non-applicant : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****05.09.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other Court.
2. The applicant has been arrested in connection with Crime No.53/2017 registered in Police Station Chandni, District Surajpur for the offence punishable under Sections 376, 506 of Indian Penal Code.
3. Prosecution story in brief is that the prosecutrix is aged about 30 years old on the date of incident. She is resident of Khaira, District Surajpur. On 12.12.2017 at about 5:00 pm she had gone to Bedogacha Forest from her home to bring fire woods, at that time one person reached there to whom she was known by face, but she did not know his name. That person committed forcibly sexual intercourse with her and gave threatening to kill her. Later on, identification was conducted, where prosecutrix had identified the applicant.
4. Counsel for the applicant would submit that there is a delay in filing the FIR, medical report of the prosecutrix is also negative, charge-sheet has already been filed. He would further submit that the applicant has not committed any offence and has been falsely implicated in the case and as such the applicant may be released on bail.
5. On the other hand, counsel for the State would oppose the prayer for grant of bail to the applicant.
6. What would be effect of delayed in lodging the FIR and alleged negative medical report of the prosecutrix may be considered by the trial

Court during the appreciation of the evidence at the time of final disposal of the case.

7. At this stage, the applicant does not get any help regarding for grant of bail from the said circumstances.
8. Looking to the facts and circumstances of the case, looking to the seriousness of the offence and looking to the impact of granting bail to the applicant on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. However, the trial Court is directed to conclude and decide the case expeditiously as early as possible.
9. Consequently, the bail application is rejected.
10. Certified copy as per rules.

SD/-

(Sharad Kumar Gupta)
JUDGE

L/-