

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 4462 OF 2018

Gyas Lal Maliya S/o Shri Dilip Kumar Maliya, aged about 29 years, R/o village Jejradih, PS Ratanpur, District Bilaspur (CG).

... Applicant

Versus

State of Chhattisgarh, through Station House Officer, Ratanpur, Distt. Bilaspur (CG).

... Respondent

For Applicant	:	Shri Dharendra Pandey, Advocate.
For Respondent-State	:	Shri Mazid Ali, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

13/07/2018

1. This is the first application seeking for grant of bail to the Applicant who is in jail since 24.04.2018 in connection with Crime No. 159 of 2018 registered at Police Station Ratanpur, Distt. Bilaspur, for the offence punishable under Sections 457 and 376 IPC.
2. As per prosecution case, the applicant is said to have entered into the house of the prosecutrix at night and found her fast asleep and the applicant thereafter tried to commit sexual intercourse with the prosecutrix. After an alarm being raised by the prosecutrix, the applicant is said to have left the scene of occurrence.
3. Learned Counsel for the applicant submits that the applicant has been falsely implicated in the case. That, he is the Husband of the sister of prosecutrix and because of some family dispute between the two sisters, he has been implicated in the case. Therefore, the applicant be released on bail.

4. The State counsel however referring to statement of the prosecutrix submits that it is a case where the present applicant has been specifically named by the prosecutrix of committing sexual intercourse with her and therefore prays for rejection of the bail application.
5. Without commenting on merits, considering the totality of the facts and circumstances of the case, particularly taking into consideration the statement of the prosecutrix, this court is of the opinion that present is not a fit case to release the applicant on bail.
6. Accordingly, the bail application stands rejected.

Sd/-
(P. Sam Koshy)
Judge