

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5430 of 2018**

Ghanshyam Ram Bunkar, S/o Shri Parmeshwar Ram Bunkar, Occupation Service, aged about 36 years, R/o Village Incholi (Badekona), P.S. Sanna, District Jashpur, present address Linepara, Semra, P.S. Kusmi, District Balrampur Ramanujganj (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Kusmi, District Balrampur-Ramanujganj (CG).

---- Non-applicant

For Applicant : Mr. Akath Kumar Yadav, Advocate

For Non-applicant : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****24.08.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the copy of charge-sheet provided by the counsel for the State in connection with Crime No.29/2018 registered in Police Station Kusmi, District Balrampur-Ramanujganj for the offence punishable under Sections 376, 506 of Indian Penal Code.
3. Case of the prosecution, in brief, is that on 24.04.2018 at about 11:12 pm in village Bakeentoli, the prosecutrix went to outdoor for toilet at that time applicant came there and caught her hand and pressed her mouth and took away her in the field and committed forcibly sexual intercourse with her and also threatened to kill her.
4. Counsel for the applicant submits that the FIR has been lodged on 02.05.2018 while the incident was took place on 24.04.2018 and no injuries were found on the body of the prosecutrix. There is a dispute between the husband of prosecutrix and applicant. He further submits 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 opposes the prayer for grant of bail to the applicant.
6. I have heard counsel appearing for the parties and perused the case diary with utmost circumspection.
7. What would be effect of delay in lodging FIR and not found injuries on the body of the prosecutrix may be considered at the time of final disposal of the case.
8. Looking to these facts and circumstances of the case and 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.
9. Consequently, the bail application is rejected.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-