

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5549 of 2018

Sonaram Chandel S/o Gayaram Chandel, aged about 47 years, R/o Ward No. 03, Parrapara Rahod, Police Station- Shivrinarayan, District- Janjgir-Champa (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through: The Station House Officer, Police Station- Shivrinarayan, District- Janjgir-Champa (C.G.).

---- Respondent

For Applicant	:	Mr. Vivek Singhal, Advocate
For Respondent	:	Mr. U.K.S. Chandel, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

29/08/2018

1. The applicant has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 223/2017 registered at Police Station- Shivrinarayan, District- Janjgir-Champa (C.G.) for the offence punishable under Section 376 (2) (1) of the IPC.
2. As per prosecution story, on 21/10/2017 at about 10:00 pm, a report was lodged by one Daya Ram, father of the prosecutrix alleging that on 21/10/2017 in the evening, the present applicant came to his house and both of them took drinks. After some time, the present applicant insisted the complainant to take more liquor from outside and when the complainant had gone to take liquor, the applicant committed rape with the daughter of the complainant, who was feeble minded. The prosecutrix was medically examined by the doctor and her medical report was found positive. The applicant was arrested on 22/10/2017.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated due to previous enmity. The applicant is in custody since 22/10/2017, charge-sheet has been filed and the trial will likely to take some time to conclude, therefore, he may be released on bail.
4. Per contra, learned counsel appearing on behalf of the State opposes the bail application and submits that the applicant has committed rape with the prosecutrix who is feeble minded. There is sufficient evidence available on record against the present applicant. Even, the medical report of the prosecutrix is positive. He prays that the application of the applicant, in view of the above evidence, may be rejected.
5. I have heard learned counsel for both the parties.
6. Considering the entire facts and circumstances of the case, particularly considering that the medical report of the prosecutrix is positive, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application is rejected.

Sd/-
(Arvind Singh Chandel)
Judge