

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5885 of 2018**

- Parshotam S/o Thakur Das Aged About 22 Years At Present R/o- Keshkal, District- Kondagaon, CG, Original Resident Of Baisena, Tahsil And District- Dhaulpur, Rajasthan.

---- Applicant

Versus

- State of Chhattisgarh through- Police Station- Keshkal, District- Kondagaon, Chhattisgarh.

---- Respondent

For applicant	Mr. Vishnu Koshta, Adv.
For Respondent/State	Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****26-11-2018**

1. Investigating Officer is present in person along with case diary. He filed explanation for not producing the police case diary on earlier dates. He is warned to be vigilant in future in complying with the orders of the Court.
2. 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.
3. The applicant has been arrested in connection with Crime No. 74/2018 registered in police station Keshkal, Distt. Kondagaon (CG) for offence punishable under Sections 376 and 506 of the IPC.
4. Perused the case diary.
5. Prosecution story in brief is that prosecutrix is about 19 years old. On 13-7-2018, 14-7-2018 and 16-7-2018, the applicant committed forcible sexual intercourse with her at new house Bhipara, gave threatening that he will kill her if she would disclose the incident to her family members. On 16-7-2018, her sisters inquired from her as to why she is in fear then she narrated them about the incident. Thereafter she lodged report in

the police station, Keshkal.

6. Counsel for the applicant argued that the prosecutrix had stated in para 6, 7 and 8 of her statement that she had gone to police station Keshkal to lodge report against the applicant about quarrel. This is true that SO got prepared the report of rape. This is true that she had not gone to police station to lodge the report of rape against the applicant. She had not told the police that the applicant had committed rape with her. Thus, no case is made out against the applicant. On the basis of aforesaid statement of the prosecutrix no conviction can be made. In the medical report of the prosecutrix, no injury was found. In these circumstances, the applicant is entitled for bail.
7. On the other hand, the State Counsel opposed the bail application and submitted that the prosecutrix had told in para 1 during examination-in-chief that the applicant had committed sexual intercourse with her and gave threatening to kill her.
8. Aforesaid circumstances which have been raised by the counsel of the applicant, are subject matter of scrutiny of the evidence which can be done by the trial Court for disposal of the case. At this stage, for the purpose of bail, the applicant does not get any help from them.
9. Looking to the facts and circumstances of the case, looking to the seriousness of the alleged offence and also the impact of granting bail on the society, this Court is not inclined to grant bail to the applicant.
10. Consequently, the MCRC is dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge