

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6093 of 2018**

Santosh Kumar Yadav Alias Nanhi Dhau S/o Ganesh Ram Yadav Aged
About 28 Years R/o- Village- Mudabhata, Police Station- Katghora,
District- Korba, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- The Station House Officer, Police
Station- Ajak- Korba, District- Korba, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Vinod Tekam, Advocate appears on behalf of Shri SRJ Jaiswal, Advocate
For the State	:	Shri Sumit Jhawar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**27/09/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with the Crime No. 160/2018 registered at Police Station AJAK Korba, District Korba (C.G.) for the offence punishable under Sections 376 of IPC and 3(2)(5) of SC/ST Act.
3. Case of the prosecution, in brief is that the prosecutrix is near about 23 years old. She is resident of village Manpur. She is the member of the Scheduled Tribe community. Applicant is neither member of Scheduled Caste nor Scheduled Tribe community. There was a love affair between the applicant and the prosecutrix. Applicant had committed sexual intercourse with prosecutrix on pretext of marriage. Prosecutrix was become pregnant. Later on prosecutrix knew that applicant is already married.
4. Learned counsel for the applicant submits that applicant is innocent and

falsely implicated in the present case, therefore, he shall be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.
6. Counsel for the applicant further submits that FIR is delayed. This is the subject matter of the scrutiny of the evidence.
7. Looking to the facts and circumstances of the case, looking to this fact that applicant who was married person, committed sexual intercourse with the prosecutrix promising to marry with her and 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.
8. Consequently, the MCRC is dismissed.

Sd/--
(Sharad Kumar Gupta)
Judge

Kamde