

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5967 of 2018**

Tilak Vishwakarma S/o Shri Parasram Vishwakarma Aged About 41  
Years R/o- Ranigaon, P.S. Sihawa, District- Dhamtari, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station  
Sihawa, Civil And Revenue District- Dhamtari, Chhattisgarh.

---- Respondent

|                   |   |                              |
|-------------------|---|------------------------------|
| For the Applicant | : | Shri S.K. Agrawal, Advocate  |
| For the State     | : | Ms. Smita Ghai, Panel Lawyer |
| For the Objector  | : | Shri C.P. Lahre, Advocate    |

-----  
**Hon'ble Shri Justice Sharad Kumar Gupta**

**Order On Board****19/09/2018**

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. 53/2018 registered at Police Station Sihawa, District Dhamtari (C.G.) for the offence punishable under Sections 366, 506, 376, 417 and 368 of IPC and Section 3(2)(5) of the Prevention of Atrocities Act.
3. Case of the prosecution, in brief is that prosecutrix is near about 23 years old. She is resident of village Semra. She is the member of Scheduled Tribe community. Applicant is neither member of Scheduled Caste nor Scheduled Tribe community. On 19/01/2018 applicant taken away her by his motorcycle and kept her in different places. Applicant had committed forcibly sexual intercourse with her.
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, counsel for the State opposes the bail application. He further submits that there is no antecedents of the applicant.
6. Counsel for the applicant draw my attention to different paragraphs specially paragraph Nos. 10, 11 and 20 of the statement of the prosecutrix taken by the trial Court, which is a subject matter of the evidence.
7. Looking to the above mentioned facts and circumstances of the case, looking to the statement of the prosecutrix, 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