

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6190 of 2018**

Manoj Karmakar, S/o Sunil Karmakar, aged about 33 years, R/o Ward No.28 Premnagar Domanhil, Police Station Chirmiri, District Korea (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Chirmiri, District Korea (CG).

---- Non-applicant

For Applicant : Mr. Anil Gulati, Advocate

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

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****05.10.2018**

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.113/2018 registered in Police Station Chirmiri, District Korea for the offence punishable under Sections 376(2) (द), 294, 506 of IPC and Section 3(1-12) of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act.
3. Case of the prosecution, in brief, is that on 16.10.2016 the prosecutrix was aged about 24 years old. She is resident of Village Bartunga Colliery. There was a friendship relation between the applicant and prosecutrix. On 16.10.2016 the applicant took away the prosecutrix in vacant SECL quarter, where he offered her cold drink in which he mixed some intoxicated substance and after drinking the cold drink, she became unconscious then he committed forcibly sexual intercourse with her and, thereafter, he continuously committed sexual intercourse with her on the pretext of marriage. In the month of January, 2018, the prosecutrix knew that the applicant is already married man. She is a

member of Scheduled Tribe and the applicant is neither a member of Scheduled Tribe nor Scheduled Caste.

4. Counsel for the applicant would submit 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 would oppose the prayer for grant of bail to the applicant. He would further submit that no criminal antecedent reported against the applicant in police case diary.
6. I have heard counsel appearing for the parties and perused the case diary with utmost circumspection.
7. Looking to the facts and circumstances of the case, looking to this fact that the applicant is already married man even then he committed sexual intercourse with the prosecutrix on the pretext of marriage; 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.
8. Consequently, the bail application is rejected.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-