

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6628 of 2018**

Haider Ali, S/o Gaffar Ali, aged about 36 years, R/o Tahsilbhata Katghora, Tahsil Katghora, District Korba (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Police Station AJAK, District Korba (CG).

---- Non-applicant

For Applicant : Mr. Ashutosh Mishra, Advocate

For Non-applicant : Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**30.10.2018**

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 applicant in connection with Crime No.25/2018 registered in Police Station AJAK Korba, District Korba for the offence punishable under Section 376 of IPC and Sections, 3(2)(5) of SC/ST (Atrocities) Act.
3. Case of the prosecution, in brief, is that on 16.07.2018 the prosecutrix was aged about 27 years old. She is resident of village Melamaidan Katghora. On 16.07.2018 when she was alone in her house at that time the applicant came in her house and committed forcibly sexual intercourse with her.
4. Counsel for the applicant would submit that the applicant has not committed any offence and has been falsely implicated in the case. He would further submit that there is a delay of 15 days in lodging the FIR and as such the applicant may be released on bail. He drew my attention on the photo-copy of the affidavit of Omprakash Jaiswal and Babu Singh.
5. On the other hand, counsel for the State would oppose the prayer

for grant of bail to the applicant. He further submitted that no criminal antecedent is 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. The aforesaid circumstances are the subject matter of scrutiny of the evidence may be considered by the Trial Court at the time of final disposal of case. At this stage, the applicant does not get any help regarding for grant of bail.

8. Looking to the facts and circumstances of the case, looking to the seriousness of the offence 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.

9. Consequently, the bail application is rejected.

10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-