

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6458 of 2018**

- Mahendra Singh @ Mahendra Shaam S/o Shri Ramruch Aged About 29 Years
R/o Champapur, Police Station Balrampur, District Balrampur- Ramanujganj
Chhattishgarh., District : Balrampur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station
Balrampur, District-Balrampur- Ramanujganj Chhattishgarh., District :
Balrampur, Chhattisgarh

---- Non-applicant

For Applicants : Shri N.K. Mehta, Advocate.

For Non-applicant : Shri S. 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 and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 139/2018 registered at Police Station – Balrampur, District-Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 376, 506, 342 of the Indian Penal Code.
3. Case of the prosecution, in brief is that prosecutrix is about 28 year old and is resident of village Lamki. On 12.07.2018, she was sleeping in her house in night. Her husband had gone away to village Kapildevpur. About 11 pm, applicant knocked the door and told that her husband has fallen on the road. Prosecutrix opened the door.

Thereafter, applicant committed sexual intercourse with her, after pressing her neck and giving threatening to kill.

4. Learned counsel for the applicant argued that the applicant has no criminal background, he is innocent, 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 submitted that FIR is delayed by 8 days which is sufficient to enlarge the applicant on bail.

7. What would be the effect of delayed FIR, it would be considered by the trial Court at the time of disposal of the case. At this stage applicant does not get any help from the aforesaid fact.

8. Looking to the facts and circumstances of the case, looking to the seriousness of the offence, 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 present bail application is rejected.

10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE