

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6541 of 2018**

Chhagan Sahu, son of Shri Firanta Das, aged about 47 years, resident of Urla, Lodhipara, Durg, Police Station Mohan Nagar, Tahsil and District Durg (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Mohan Nagar, Durg, District Durg (CG).

---- Non-applicant

For Applicant : Mr. Purnendra Khichariya, Advocate

For Non-applicant : Mr. Neeraj Kumar Sharma, Dy.G.A.

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**24.10.2018**

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.235/2018 registered in Police Station Mohan Nagar, Durg, District Durg for the offence punishable under Sections 366, 894, 376, 34 of Indian Penal Code.
3. Case of the prosecution, in brief, is that on 24.04.2018 the prosecutrix was aged about 25 years old. She is already a married woman. She is resident of village Bajrangpara Urla. She is a deaf and dumb woman. On 24.04.2018 applicant and co-accused Deepak Mehra took the prosecutrix and they went to Nagpur, where they committed 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 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 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. 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.

8. Consequently, the bail application is rejected. However, the trial Court is directed to conclude and dispose of the case in accordance with law expeditiously preferably within a period of four months from the date of receipt of certified copy of this order.

9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-