

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6912 of 2018**

Narayan Rajwade @ Naan Bau S/o Amrit Ram Rajwade Aged About 26 Years R/o Village- Girwarganj (Mahodavpara) P.S., Tehsil And District- Surajpur, Chhattisgarh., District : Surajpur, Chhattisgarh .

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station- Vishrampur, District- Surajpur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri S.R. Sinha, Advocate
For the State	:	Shri Sumit Jhavar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**25/10/2018**

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 photocopy of charge-sheet provided by the counsel for the applicant in connection with the Crime No.112/2018 registered at Police Station Vishrampur, District Surajpur (C.G.) for the offence punishable under Sections 456, 376 of IPC.
3. Case of the prosecution, in brief is that on 02/08/2018 at about 10 p.m. prosecutrix was sleeping in her house along with her grandmother. On knocking the door she opened the door. Applicant and juvenile co-accused Chhotu Dewangan entered in her house. Juvenile co-accused Arjun @ Chhotu pressed her mouth, applicant 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, learned counsel for the State opposes the bail

application.

6. Counsel for the applicant further submits that husband of the prosecutrix had sold his motorcycle, thus he had given an application on 03/08/2018 to the SHO Surajpur. He drew my attention on Annexure A/2. He further submitted that prosecutrix has lodged the report on 04/08/2018 subsequent to the Annexure-A/2. This circumstance indicate that prosecutrix had lodged a report against the applicant after thought to falsely implicate him. He further submits that the husband of the prosecutrix has admitted the contents of Annexure A/2 in Police statement.
7. What would be effect of Annexure A/2, it would be considered by the trial Court at the time of disposal of the case. *Prima facie* at this stage it cannot be said that applicant has falsely implicated in this case.
8. Looking to the above mentioned facts and circumstances of the case, 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.
9. Consequently, the MCRC is dismissed.
10. Counsel for the applicant at this stage submitted that liberty may be granted him to file subsequent bail application after examination of the prosecutrix.
11. There is no need of liberty to file any subsequent bail application.
12. Looking to the facts and circumstances of the case the trial Court is directed to expedite the trial and dispose of the case as early as possible and preferably within a period of four months from the date of receipt of certified copy of this order.

Sd/-
(Sharad Kumar Gupta)
Judge