

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8845 of 2018**

Lucky Sahu, S/o Murlidhar Sahu, aged about 26 years, R/o Village Garhumariya Chowki Jootmil, P.S. Kotwali Raigarh (CG).
---- Applicant

Versus

State of Chhattisgarh, through Police Station Azak, District Raigarh (CG).
---- Non-applicant

For Applicant : Mr. Sanjay Agrawal, Advocate
 For Non-applicant : Mr. Ashok Kumar Swarnakar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****11.12.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other Court.
2. The applicant has been arrested in connection with Crime No.314/2018 registered in Police Station Azak, District Raigarh for the offence punishable under Sections 376, 384 of IPC and Sections 3(1)B(1), 3(2)(v) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.
3. Prosecution story in brief is that the prosecutrix was aged about 24 years old on the date of incident. She is a resident of village Bermaal, Raigarh. She is a member of Scheduled Tribe. The applicant is neither a member of Scheduled Tribe nor a member of Scheduled Caste. He committed repeatedly sexual intercourse with her on the pretext of marriage. He made a obscene video of her and gave threatening to her to expose her obscene video in the internet and obtained her ATM card and ATM card of her father and, thereafter, he had withdrawn a sum of Rs.3,90,000/- from her ATM card and Rs. 5,15,000/- from her father's ATM card.
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 one year in lodging FIR and no video clip has been seized from him 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. However, he further submits that no criminal antecedent reported against the applicant in police case diary.
6. 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. Consequently, the bail application is rejected.
7. Certified copy as per rules.

Sd/-
 (Sharad Kumar Gupta)
JUDGE