

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 76 of 2019

- Khem Singh Kanwar S/o Narayan Singh Kanwar Aged About 25 Years Caste Kanwar R/o Village Deurbhata (Bhelwatikra) Police Station Katghora District Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer ,police Station Katghora District Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Non-applicant

For Applicant : Shri Dharmesh Shrivastava, Advocate.
For Non-applicant : Shri S.R.J. Jaiswal, P.L.

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

23/01/2019

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.297/2018 registered at Police Station Katghora District Korba (C.G.) for the offence punishable under Section 376D of Indian Penal Code.
3. Case of the prosecution, in brief is that there was a love affair between the prosecutrix and the deceased Sawan Sai. They were to be married. On 01.09.2018 they were talking near the school at village Deurbhatha. Applicant and coaccused Iswar Das reached there and demanded her from him. Prosecutrix fled away from the spot. Applicant and coaccused followed her and committed forcible sexual intercourse with her in the field. She narrated the incident to the deceased on the next day. The applicant had tortured the deceased.
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, and submitted that one another criminal case u/s 306 IPC has been registered against applicant.
6. Counsel for the applicant further submitted that there is variation in the statements of the prosecutrix recorded u/s 161 and 164 CrPC, thus he may be released on bail.
7. Discrepancy is the subject matter of scrutiny of the evidence which may be done by the trial Court at the time of disposal of the case.
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, the present bail application is rejected.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE