

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 108 of 2019**

Bhaskar Dutt Arya, son of late Gopal Krishna Arya, aged about 28 years, resident of Silli (Boida), Chowki Hardibazar, Police Station Kusmunda, District Korba (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Pali, District Korba (CG). **---- Non-applicant**

For Applicant	: Mr. S.R.J. Jaiswal, Advocate
For Non-applicant	: Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

22.02.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.223/2018 registered in Police Station Pali, District Korba for the offence punishable under Sections 450, 376 of Indian Penal Code.
3. Case of the prosecution, in brief, is that on 04.09.2018 the prosecutrix was aged about 24 years old. She is a resident of village Kartali. On 04.09.2018 at about 11:00 a.m., the applicant entered in the house of prosecutrix and committed sexual intercourse with her.
4. Counsel for the applicant submitted that the applicant has not committed any offence and has been falsely implicated in the case. He further submitted that the ring ceremony was already done between the applicant and prosecutrix, when he denied to marry with her then a false report was lodged against him. In support of his case, he drew my attention on the enclosed photocopy of application (Annexure A/2), which is a part of the bail application. In the said application, it has been mentioned that there was love affairs between them and a false report was lodged against him and she wants to withdraw the case as lodged against him hence he may be released on bail.
5. On the other hand, counsel for the State opposed the bail application, however, he submits that no criminal antecedent is reported against the applicant in police case diary.
6. In the light of application (Annexure A/2), the statement of the prosecutrix was recorded wherein she had stated that she had not written any application to withdraw the case voluntarily. The brother of the applicant and some other persons had got written the application after pressurizing her.
7. Looking to the facts and circumstances of the case, looking to the material available on record, 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.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE