

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 368 of 2019**

Palchandra Shriwas S/o Shri Lakeshwar Shriwas Aged About 27 Years  
R/o Chhindpur, P. S. Kusmunda, District Korba Chhattisgarh, District :  
Korba, Chhattisgarh .

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police  
Station Ajak District Korba Chhattisgarh, District : Korba, Chhattisgarh.

---- Respondent

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|-------------------|---|-------------------------------|
| For the Applicant | : | Shri Akhtar Hussain, Advocate |
| For the State     | : | Ms. M. Asha, Panel Lawyer     |

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**Hon'ble Shri Justice Sharad Kumar Gupta**

**Order On Board****01/02/2019**

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 case diary provided by the learned counsel for the State in connection with the Crime No.40/2018 registered at Police Station AJAK, District Korba (C.G.) for the offence punishable under Section 376 of IPC and Section 3(2)(5), 3(2)(5) of SC/ST (Prevention of Atrocities) Act.
3. Case of the prosecution, in brief is that prosecutrix is about 21 years old. She is resident of Hardi Bazar. She is member of Scheduled Caste. Applicant is neither a member of Scheduled Caste nor Scheduled Tribe. On 22/11/2016 onwards he committed repeatedly sexual intercourse with her on pretext of marriage, thereafter she came to know that he was already married.
4. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
6. Counsel for the applicant further submitted that FIR has been lodged with inordinate delay. In her application it is not mentioned that later on she came to know that he was already married, thus he may be released on

bail.

7. The effect of delay in lodging FIR is the subject matter of the scrutiny which this Court cannot be done at this stage.
8. Looking to the facts and circumstances of the case, looking to this fact that applicant who was already married committed allegedly sexual intercourse with prosecutrix on pretext of marriage. This Court is not inclined to give the benefit under Section 439 of CrPC to the applicant, accordingly bail application is rejected.

Sd/-  
**(Sharad Kumar Gupta)**  
Judge

Kamde