

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 200 of 2019

- Lokesh Alias Lavkesh S/o Gokul Aged About 25 Years Caste - Gond, R/o Village - Saraipali, Tehsil And Police Station - Pali, District Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Pali, District Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Non-applicant

For Applicant	: Shri Lalit Jangde, Advocate.
For Non-applicant	: Shri SRJ Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar GuptaOrder On Board30.01.2019

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. 263/2018 registered at Police Station – Pali, District Korba (C.G.) for the offence punishable under Sections 450, 376 of the Indian Penal Code.
3. Case of the prosecution, in brief is that prosecutrix is about 18 years old. She is resident of village Saraipali. On 02/10/2018 about 11:00 am when she was alone in her house, applicant entered in her house, pressed her mouth and committed forcible sexual intercourse with her.
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 however submitted that there is no antecedent against the applicant.
6. Counsel for the applicant submitted charge-sheet has been filed, applicant is in jail since three months back, medical evidence does not support the prosecution case.
7. What would be the effect of medical evidence is the subject matter of the scrutiny which cannot be done by this Court at this stage.
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