

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 378 of 2019**

Suresh Khunte, S/o Shri Shyamlal Khunte, aged about 32 years, residing at Azad Chowk Near Shiv Mandir Manikpur, Out post Manikpur, P.S. Kotwali Korba, District Korba (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Police Out Post Manikpur, Police Station City Kotwali, Korba, District Korba (CG). **---- Non-applicant**

For Applicant	: Mr. Pravin Kumar Tulsyan, Advocate
For Non-applicant	: Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

04.02.2019

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.827/2018 registered in Police Station City Kotwali, Korba, District Korba for the offence punishable under Sections 366 and 376 of IPC.
3. Case of the prosecution, in brief, is that on 27.10.2018, the prosecutrix was aged about 18 years old. She is resident of Korba. She is mentally disturb. On 27.10.2018 in between 8:00 a.m. to 11:00 a.m., the applicant sat her on his motorcycle and put vermilion on her forehead and took her inside the road and committed sexual intercourse with her.
4. Counsel for the applicant submits that the applicant has not committed any offence and has been falsely implicated in the case. He further submits that the prosecutrix is a consenting party and the medical evidence has not supported the case.
5. On the other hand, counsel for the State opposes the bail application.
6. Looking to the above mentioned 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