

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 374 of 2019

- Mukesh Kumar Sahu S/o Gangaram Sahu Aged About 19 Years R/o Village Kuthrel P. S. Anda District Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Anda, District Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Non-applicant

For Applicant	: Shri AC Sahu, Advocate.
For Non-applicant	: Shri Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

06.02.2019

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. 72/2018 registered at Police Station – Anda, District Durg (C.G.) for the offence punishable under Sections 454, 376 of the Indian Penal Code.
3. Case of the prosecution, in brief is that prosecutrix is about 55 years old, she is resident of village Kuthrel. On 24.09.2018 at about 12 pm at village Kuthrel applicant entered in the house of the prosecutrix 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, there is no antecedent against the applicant.
6. Learned counsel for the applicant further submitted that there is delay in lodging FIR, applicant is in jail since 27.09.2018, he has been falsely implicated, medical evidence does not support the prosecution case.
7. Looking to the facts and circumstances of the case, though there is delay in FIR, medical evidence does not support the prosecution case, but looking to the other evidence 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.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE