

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 516 of 2019

- Sanjay Yadav S/o Ramprasad Yadav Aged About 28 Years R/o Chandeshwarpur, P. S. Dhaupur, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The P. S. Dhaupur, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

For Applicant : Shri Rakesh Pandey, Advocate.

For Non-applicant : Shri Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar GuptaOrder On Board22.02.2019

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. 61/2018 registered at Police Station – Dhaupur, District Surguja (C.G.) for the offence punishable under Sections 450, 376 of the Indian Penal Code and Section 3(2-v) of SC/ST(Prevention of Atrocities) Act.
3. Case of the prosecution, in brief is that prosecutrix is about 22 years old. She is member of scheduled tribe. On the intervening night of 22.11.2018 and 23.11.2018 applicant entered in her house and committed 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, submits that there is no antecedent against the applicant.
6. Counsel for the applicant further submitted that FIR is delayed by two days, MLC of the prosecutrix does not support the prosecution case, applicant is in jail since 26.11.2016, thus he may be released on bail.
7. 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.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE