

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 560 of 2019**

Rahul Yadav, son of Mani Kumar Yadav, aged about 23 years, Caste Aheer,
Resident of Village Chhichhli, Tahsil Bagicha, District Jashpur (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Incharge Outpost Pandrapath, Police Station
Bagicha, District Jashpur (CG).

--- Non-applicant

For Applicant	: Mr. J.K. Saxena, Advocate
For Non-applicant	: Mr. Vikram Dixit, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

08.02.2019

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.110/2018 registered in Police Station Outpost Pandrapath, Police Station Bagicha, District Jashpur for the offence punishable under Sections 450, 376 of Indian Penal Code.
3. Case of the prosecution, in brief, is that on 10.08.2018 the prosecutrix was aged about 18 years old. She is a deaf and disabled. She is a resident of village Pandrapat. On 10.08.2018 at about 2:00 p.m. at village Chhichhli, the applicant committed forcibly 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 medical evidence is not supported the prosecution case and the statement of the prosecutrix has not been recorded under Section 164 of CrPC and as such the applicant may be released on bail.
5. On the other hand, counsel for the State opposes the bail application, however, he submits that no criminal antecedent is reported against the applicant in police case diary.
6. The statement of the prosecutrix recorded under Section 164 of CrPC is a part of the case diary.
7. What would be effect of not supported of medical evidence is a subject matter of the scrutiny of the evidence.
8. Looking to these 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.
9. Certified copy as per rules.

SD/-
(Sharad Kumar Gupta)
JUDGE