

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 579 of 2019**

Rameshwar Dhritlahre, son of Shri Dhansay Dhritlahre, aged about 23 years, R/o village Nardha, P.S. Gidhouri, District Baloda Bazar Bhatapara (CG). ---- **Applicant**

Versus

State of Chhattisgarh, through Police Station Gidhouri, Tundra, District Baloda Bazar Bhatapara (CG). ---- **Non-applicant**

For Applicant	: Mr. Prakash Tiwari, Advocate
For Non-applicant	: Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

13.02.2019

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.243/2018 registered in Police Station Gidhouri Tundra, District Baloda Bazar Bhatapara for the offence punishable under Sections 376, 456 of Indian Penal Code.
3. Case of the prosecution, in brief, is that on 14.11.2018 the prosecutrix was aged about 25 years old. She is a resident of village Nardha. On 14.11.2018 at about 9:30 p.m., she had gone to washroom situated in her courtyard. At that time, the applicant reached there and committed sexual intercourse with her, when she shouted, her sister Rukhmani was came there then the applicant ran away from the spot.
4. Counsel for the applicant submitted that the applicant has not committed any offence and has been falsely implicated in the case. He further submitted that the applicant was found in compromising position and the prosecutrix is a consenting party hence the applicant may be released on bail.
5. On the other hand, counsel for the State opposed the bail application, however, he submits that no criminal antecedent is reported against the applicant in police case diary.
6. Looking to the 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