

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 619 of 2019**

Rajesh Gond S/o Janpat Aged About 28 Years R/o Village Pakradi
 ,chowki Davra,police Station Pasta, District Balrampur Ramanujanj
 Chhattisgarh., District : Balrampur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Pasta, District
 Balrampur Ramanujanj Chhattisgarh., District : Balrampur,
 Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Yogeshwar Sharma, Advocate
For the State	:	Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**13/02/2019**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.22/2018 registered at Police Station Pasta, District Balrampur-Ramanujanj (C.G.) for the offence punishable under Sections 450, 376, 506 of IPC.
3. Case of the prosecution, in brief is that prosecutrix is near about 26 years old. She is resident of village Pakradi. On 05.01.2018 about 8.30 p.m. she was sleeping in her house, her husband had gone to Pratappur market. Applicant was already entered and concealed/hidden himself in the house and pressed her mouth, gave threats to kill and committed sexual intercourse with her. When she shouted her mother-in-law, her father-in-law wake up and reached there. Her husband also reached there.
4. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.

6. Counsel for the applicant further submitted that FIR is delayed by 4½ months, as per the prosecution story a meeting was held wherein brother of the applicant had told that he will give Rs.1 Lakh but he did not give the amount, thus FIR has been lodged, therefore he may be released on bail.
7. Looking to the facts and circumstances of the case, looking to the seriousness of the alleged offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde