

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 712 of 2019**

Tejram Sahu S/o Late Shri Jaganath Sahu Aged About 60 Years R/o
Village Akola ,thana Kumhari ,district Durg Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate Durg , District Durg
Chhattisgarh., District : Durg, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Vinay Pandey, Advocate
For the State	:	Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****14/02/2019**

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.134/2018 registered at Police Station Kumhari, District Durg (C.G.) for the offence punishable under Section 376 and 506 of IPC.
3. Case of the prosecution, in brief is that prosecutrix is about 35 years of old and resident of village Akola, District Durg. On 07/10/2017 she had gone to pick the food in the field of Banshiram. About 11 a.m. applicant who was the Watchman of the field of Banshiram, gave threats to kill her and committed sexual intercourse with her. Due to fear she had not narrated the incident to anyone. During examination the doctor told her that she is pregnant, then she disclosed alleged incident to her family members.
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 seven months. Charge-sheet has been filed. Applicant is in jail since 13/12/2018. At the time of alleged incident prosecutrix did not raise any alarm, thus applicant may be released on bail.
7. Looking to the facts and circumstances of the case, looking to the material available on record, this Court is not inclined to give the benefit under Section 439 of CrPC to the applicant. Accordingly, bail application is dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge