

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 792 of 2019**

Balsai S/o Shan Ram Aged About 28 Years Caste Nagesiya, R/o Village Sukma, Police Station And Tahsil Bagicha, District Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Bagicha, District Jashpur Chhattisgarh

---- Respondent

For the Applicant	:	Shri J.K. Saxena, Advocate
For the State	:	Shri Abhishek Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**15/02/2019**

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.78/2018 registered at Police Station Bagicha, District Jashpur (C.G.) for the offence punishable under Section 450, 376 of IPC.
3. Case of the prosecution, in brief is that prosecutrix is about 20 years of age. She is resident of village Sukma. 5-6 months prior onwards applicant was giving trouble. On 18/05/2018 about 10 p.m. applicant entered in her house and committed forcible sexual intercourse with her.
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 prosecutrix had not lodged any report regarding previous incidents. FIR is delayed by five days, FIR is not lodged regarding the alleged rape. On 18/05/2018 Deenanath and Mukund were seeing the TV in the house of prosecutrix and quarrel was happened. Earlier quarrel was happened between prosecutrix and wife and children of applicant, thus applicant has falsely implicated, hence he may be released on bail.
7. Looking to the facts and circumstances of the case, looking to the evidence available on record against the applicant, this Court is not inclined to give the benefit under Section 439 of CrPC to the applicant. Accordingly, bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
 Judge