

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1327 of 2019**

Yashwant @ Kajol Patel S/o Jagdish Patel Aged About 22 Years R/o
Bhairotal Police Station Kusmunda, District Korba Chhattisgarh.,
District : Korba, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer Police Station
Ajak, District Korba, District Korba Chhattisgarh., District : Korba,
Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Akhtar Hussain, Advocate
For the State	:	Shri SRJ Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**26/03/2019**

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.244/2018 registered at Police Station AJAK District Korba (C.G.) for the offence punishable under Sections 376, 506 B of IPC and Section 3(2)(5) of SC/ST Act.
3. Case of the prosecution, in brief is that prosecutrix is 22 years of age. She is resident of village Bhairotal. On 16/10/2018 she was returning back to her house along with applicant in his motorcycle. At about 18.10 hours near the Vijay Nagar nala he committed forcible sexual intercourse with her, gave threats to kill, after sometime he again 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 applicant is in jail since back 20/10/2018, charge-sheet has been filed. As per MLC report of the prosecutrix no injury was found on body of the prosecutrix, doctor opined

that no definite opinion can be given about sexual intercourse, as per the MLC report of the applicant his right leg was suffering from burn injury, thus prosecution story become improbable, hence applicant may be released on bail.

7. What would be effect of MLC it would be considered at the time of appreciation of the evidence. At this stage this Court cannot scrutinize the evidence.
8. Looking to the facts and circumstances of the case, looking to the evidence available on record against the applicant, 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