

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1258 of 2019

- Narayan Paikra S/o Late Jivman Paikra Aged About 52 Years Caste-Kanwar, R/o Village-Satyanagar, (Nawadihpara), Police-Station-Bhaiyathan, District- Surajpur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police-Station-Jhilmili, District-Surajpur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr.Aditya Chopda, Advocate.
For Respondent/State	:	Mr. Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

22/07/2019

1. This is first bail application of the applicant under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him as he has been arrested by the police in connection with Crime No.176/2018 registered at Police Station–Jhilmili, District–Surajpur(C.G.) for the offence punishable under Sections 450 & 376 of Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant. The prosecutrix has been examined before the trial Court and she has made a contradictory statement in her cross-examination. The applicant is in jail since 18.12.2018, hence, it is prayed that he may be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that the statement given by prosecutrix is in favor of the prosecution. Some contradictions or omissions in her cross-examination cannot be appreciated at the stage of granting bail, hence, his application be rejected.
4. Heard both the parties and perused the case diary.
5. According to prosecution case, this applicant committed the house trespass in the residence of prosecutrix and, thereafter, by use of force, he committed the offence of rape with her. Hence, this case.
6. After considering on all the facts and circumstances of the case and also after perusing the statement of prosecutrix before the Court below, I do not feel inclined to allow the application of this applicant.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha