

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1503 of 2019**

- Lavkumar Yadav @ Golu S/o Shriram Yadav Aged About 28 Years R/o Sivpara, Police Station - Durg, Tahsil And District Durg Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Of Police Station - Durg District Durg Chhattisgarh

---- Non Applicant

For the Applicants	:	Shri Tarun Dansena, Advocate
For the State	:	Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****02.04.2019**

1. This is the first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with Crime No.787/2018 registered at Police Station- Durg, District- Durg (C.G.) for the offence punishable under Section 376 of Indian Penal Code.
3. Case of the prosecution, in brief is that prosecutrix is about 24 years old. She is resident of Shivpara Tulsi Chowk, Durg, she is deaf and dumb during 20.03.2018 to 30.04.2018 some person committed forcible sexual intercourse with her. During the test identification parade she identified applicant.
4. Learned counsel for the applicant submits that applicant has no criminal background, he is innocent and has been falsely implicated in the present case and he further submits that test identification parade is doubtful, thus applicant may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no criminal antecedent against the applicant in police case diary.
6. Looking to the facts and circumstances of the case, looking to the material available on record, looking to the seriousness of the offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.
7. Certified copy as per rules.

Sd/-**(Sharad Kumar Gupta)**
Judge

Parul