

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 1364 of 2019

- Prakash Yadav S/o Late Kartik Yadav Aged About 19 Years R/o Kasaridih, Fokatpara, Near The House Of Ex Councillor, Durg, District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Durg,district Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Non-applicant

For Applicant	: Shri Gautam Khetrapal, Advocate.
For Non-applicant	: Shri Vekam Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar GuptaOrder On Board12.03.2019

1. This is 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. 795/2018 registered at Police Station – Durg, district Durg (C.G.) for the offence punishable under Sections 376, 294, 506 of the Indian Penal Code.
3. Case of the prosecution, in brief is that prosecutrix is about 23 years old. She is resident of village Kasaridih, Durg. On 28.09.2018 between 10 to 10:30 pm she was returning back to his house from the house of her Badi Maa. From the back applicant reached pressed her mouth, took her in open place by pulling, abused her and gave threats to kill her, pressed her throat and committed sexual intercourse.
4. Learned counsel for the applicant argued that the applicant has no criminal background, he is innocent, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, there is no antecedent against the applicant.
6. Counsel for the applicant further submitted that statement of the prosecutrix is contrary to the medical evidence, no injury was found on her body according to her statement, thus he may be released on bail.
7. As per the MLC report of the complainant swelling was present over her neck.
8. Looking to the facts and circumstances of the case, 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.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE