

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1372 of 2019**

- S. Kumar Kashyap S/o Nihora Kashyap Aged About 30 Years R/o Village Bhathlikala, P. S. Jarhagaon, District Mungeli Chhattisgarh, District : Mungeli, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Jarhagaon, District Mungeli Chhattisgarh, District : Mungeli, Chhattisgarh

---- Non-applicant

For Applicant	: Shri Varindra Pratap Singh, Advocate.
For Non-applicant	: Shri Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board
19.03.2019

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. 22/2019 registered at Police Station – Jarhagaon, District Mungeli (C.G.) for the offence punishable under Sections 354, 457 of the Indian Penal Code.
3. Case of the prosecution, in brief is that prosecutrix is about 22 years of age. She is resident of village Madhlikala. In the intervening night of 03.02.2019 and 04.02.2019 applicant entered in the house of the prosecutrix, demanded sex from her, used criminal force to outrage her modesty.
4. Learned counsel for the applicant argued that husband of the prosecutrix had taken loan from him, when he demanded loan amount dispute had been arisen, no lock has been seized, 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 and submits that there are 5 other criminal cases have been registered against the applicant, out of which 2 are under Excise Act, 2 under Cr.P.C. and 1 under IPC.
6. Looking to the facts and circumstances of the case, looking to the fact that five other criminal cases have been registered against the applicant, 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