

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1476 of 2019**

Mangalchand Sahu, son of Khusaru Sahu, aged about 50 years, R/o Village Pat, Police Station Kosir, District Raigarh (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Kosir, Civil and Revenue District Raigarh(CG). **---- Non-applicant**

For Applicant	: Mr. Udho Ram Koshaley, Advocate
For Non-applicant	: Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

11.03.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.115/2017 registered in Police Station Kosir, Civil and Revenue District Raigarh for the offence punishable under Sections 376, 506-B of Indian Penal Code.
3. Case of the prosecution, in brief, is that on 13.10.2017 the prosecutrix was aged about 40 years old. She is a resident of village Pat. On 13.10.2017 at about 10:00 p.m., the applicant took her to Bardula spur by pressing her mouth and gave threat and committed sexual intercourse with her.
4. Counsel for the applicant submitted that the applicant has not committed any offence and has been falsely implicated in the case. He further submitted that the prosecutrix was a consenting party and as such the applicant may be released on bail.
5. On the other hand, counsel for the State opposed the bail application. He submitted that six other criminal cases have already been registered against the applicant in police case diary.
6. Looking to the facts and circumstances of the case and looking to this fact that six other criminal cases have already been registered against the applicant, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the bail application is rejected.
7. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE