

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1735 of 2019**

Vicky Manikpuri S/o Late Shri Mukundas Minikpuri Aged About 23 Years R/o Near Government Primary School Kailash Nagar, Durg Police Station Mohan Nagar, District Durg Chhattisgarh,, District : Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station District Durg Chhattisgarh., District : Durg, Chhattisgarh.

---- Respondent

For the Applicant	:	Ms. Shivali Dubey, Advocate
For the State	:	Shri Apoorva Goyal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**28/03/2019**

1. This is the second bail application under Section 439 of the CrPC.
2. Earlier first bail application of applicant was dismissed by this Court for want of prosecution on 15/02/2019 in MCRC No. 688/2019.
3. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.347/2018 registered at Police Station Mohan Nagar, Durg, District Durg (C.G.) for the offence punishable under Section 376 of IPC.
4. Case of the prosecution, in brief is that prosecutrix is about 23 years of age. She is resident of Kailash Nagar, Durg. She is weakened mind. She is able to talking. On 04/09/2018 between 6.30 to 7.00 p.m. applicant took her forcibly in a dilapidated house near across the canal and committed forcible sexual intercourse with her.
5. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
6. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
7. Counsel for the applicant further submitted that there is difference regarding place of occurrence in the statement of the prosecutrix recorded under Section 161 and 164 of CrPC, as per the medical report

doctor opined that no definite opinion can be given regarding recent sexual intercourse, as per the application given by the sister of the prosecutrix she is unable to speak, in these circumstances the prosecution case is highly improbable, thus he may be released on bail. Aforesaid circumstances are subject to scrutiny of evidence. At this stage this Court cannot scrutinize the evidence.

8. Looking to the facts and circumstances of the case, looking to the seriousness of the alleged offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde