

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1869 of 2019**

- Mohan Ram Sahu S/o Late Ram Prasad Sahu Aged About 72 Years Caste- Teli, Occupation Agriculturist, R/o Village Khadgawa, School Para, Police Chowki Basdei, Police Station Surajpur, Tahsil Bhailyathan, District- Surajpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, P.S. Police Chowki, Basdei, District- Surajpur, Chhattisgarh

---- Non Applicant

For the Applicant	:	Shri Umesh Pandey, Advocate
For the State	:	Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**03.04.2019**

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.04/2019 registered at Police Station- Police Chowki Basdei, District- Surajpur (C.G.) for the offence punishable under Sections 450, 376 of the Indian Penal Code.
3. Case of the prosecution, in brief is that on 03.01.2019 in the night prosecutrix was alone in her house. She is aged about 34 years. Hearing the sound of knocking at 2:30 am she opened door. Applicant entered in the house of prosecutrix and committed forcible sexual intercourse with her.
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, therefore, he shall 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. Counsel for the applicant further submits that earlier on 13.04.2018 daughter of applicant had lodged the report of rape against the husband of prosecutrix, on counter prosecutrix lodged the report against the applicant.
7. Aforesaid facts raised by the counsel for the applicant are the subject matter of scrutiny. At this stage defence of the applicant cannot be considered.
8. 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.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge

Parul