

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2725 of 2019**

1. Mathur Singh Kirange @ Mathura S/o Ramlal Kirange Aged About 38 Years R/o Village - Bhurbhusi, Police Station Ambagarh Chowki, District Rajnandgaon CG
2. Pyari Lal Mandavi @ Pyare Lal @ Bhim S/o Dashelal Mandavi Aged About 30 Years R/o Village - Durretola, Ambagarh Chowki, District Rajnandgaon CG

---- Applicants**Versus**

State of Chhattisgarh Through Station House Officer, Police Station Ambagarh Chowki, District Rajnandgaon CG

---- Respondent

For applicant	Mr. Basant Dewangan, Adv.
For Respondent/State	Mr. S.R.J. Jaiswal, PL.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****26-6-2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and their no bail application is pending before any other court.
2. The applicants have been arrested in connection with Crime No. 283/2018 registered in police station Ambagarh Chowki, Distt. Rajnandgaon (CG) for offence punishable under Section 376, 376(D), 506-B, 201 of IPC.
3. Perused the case diary.
4. Prosecution story in brief is that prosecutrix is aged about 30 years. She is resident of village Chikhali. On 7-2-2018, she and her companion Baliram Sahu were sitting in a narrow culvert. At about 14.00 hours, applicants and co-accused Mansaram reached there holding axe. The applicants and co-accused Mansharam took the prosecutrix and committed forcible sexual intercourse one by one. The applicant No. 1 Mathur Singh Kirange @ Mathura prepared a vedio of the incident in his mobile. The applicants and co-accused Mansharam threatened her that if she will disclose the incident to anyone they will kill her and viral the video. Due to fear and insult, she did not lodge the report earlier and not disclose about the incident to anyone. Thereafter applicant No. 1 Mathur Singh Kirange @ Mathura forced

her for sexual intercourse otherwise he will viral the video. Thus she lodged the report.

5. Counsel for the applicants argued that the applicants are innocent and falsely implicated. He further submitted that the prosecutrix had lodged an FIR earlier against the applicants and co-accused regarding abusing, giving threats to kill. Now the prosecutrix has falsely implicated the applicants in this case. He drew my attention on the FIR dated 7-9-2018. He further submitted that in the case in hand, the FIR is too much delayed. Hence they may be released on bail.
6. On the other hand, the State Counsel opposed the bail application. However, no criminal incident is reported in the police case diary against the applicants.
7. The facts raised by the counsel for the applicants are the subject matter of scrutiny of evidence which this Court cannot do at this stage. It is well settled that while deciding the bail applicant, this Court cannot touch the merit and demerit of the case.
8. Looking to the facts and circumstances of the case, looking to the seriousness of the alleged offence and also the impact of granting bail to the applicants on the society, this Court is not inclined to grant bail to the applicants.
9. Consequently, the MCRC is dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge