

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2847 of 2019**

- Mahendra Yadav S/o Shri Govind Yadav Aged About 27 Years R/o Village- Limtara, Post- Masturi, Police Station And Tahsil- Masturi, District- Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station- New Rajendra Nagar, Raipur, District- Raipur, Chhattisgarh

---- Non Applicant

For the Applicant	:	Mr. R. S. Patel, Advocate
For the State	:	Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****09.05.2019**

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.290/2018 registered at Police Station- New Rajendra Nagar Raipur, District- Raipur (C.G.) for the offence punishable under Sections 366, 376, 506, 34 of Indian Penal Code and Section 3(2) (v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act.
3. Case of the prosecution, in brief is that prosecutrix is about 22 years old. She is resident of village Gujra. She is a member of Scheduled Caste. On 03.11.2018, applicant and other co-accused gave threats to kill his brother and applicant took her saying that he will marry her. He committed forcible sexual intercourse with her on pretext of the marriage. Applicant was already married. Applicant is in jail since more than 6 months.
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 antecedent against the applicant in police case diary.
6. Looking to the above mentioned facts and circumstances of the case, looking to this fact that applicant was already married, 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.
7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge

Parul