

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3100 of 2019**

Hariram Rawate, S/o Sihau Ram Rawate, aged about 45 years, R/o Jabkasa,
Police Station Manpur, District Rajnandgaon (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Manpur,
District Rajnandgaon (CG). **---- Non-applicant**

For Applicant	: Mr. Aditya Bhardwaj, Advocate
For Non-applicant	: Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****16.05.2019**

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.31/2018 registered at Police Station Manpur, District Rajnandgaon for the offence punishable under Sections 376(2), 294 & 323 of Indian Penal Code.
3. Case of the prosecution, in brief, is that prosecutrix was aged about 21 years old. The applicant is her father-in-law. On 08.04.2018, the marriage of the prosecutrix was solemnized with Siddharth Rawate. On 21.04.2018 she had come in her in-laws house. On 23.04.2018 the applicant took her by pressing her mouth behind of his house and committed forcibly sexual intercourse with her twice.
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 as per medical report of the prosecutrix, no injury was found on her body and as such the applicant may be released on bail.
5. On the other hand, counsel for the State opposed the bail application. However, he submitted that previously no criminal antecedent is reported against the applicant in police case diary.
6. Counsel for the applicant in support of his case he drew my attention on paras 15, 17 & 23 of photocopy of statement of Siddharth Kumar Rawate (P.W.-4), which is a part of bail application.
7. This is well settled legal position that while dealing with the bail application, this Court is neither scrutinize nor appreciate the evidence. At this stage, this Court also cannot touch the merit and demerit of the case.
8. Looking to above mentioned facts and circumstances of the case, looking to the evidence material available on record against the applicant, looking to the seriousness of the offence and looking to the impact of granting bail to the applicant on society, this Court is not inclined to give benefit of Section 439 of CrPC to the applicant. Consequently, the bail application is rejected.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE