

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4095 of 2019**

Babulal, S/o Ramdev, aged about 20 years, R/o Puhputra, Police Station Darima, District Surguja (CG).

---- Applicant**Versus**

State of Chhattisgarh, through S.H.O. Police Station Ajak, District Surguja (CG).

---- Non-applicant

For Applicant : Mr. Sanjay Pathak, Advocate
For Non-applicant : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****30.07.2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other Court.
2. The applicant has been arrested in connection with Crime No.53/2019 registered in Police Station Ajak Ambikapur, District Surguja for the offence punishable under Sections 366, 323, 506, 376(2)(n), 114 of IPC, Section 3(1)(द) (घ), Section 3 (2-V) of SC, ST (Prevention of Atrocities) Act.
3. Prosecution story in brief is that on 07.04.2019 the prosecutrix was aged about 18 years. She is a member of Scheduled Tribe, resident of village Turra Awaradand. The applicant is neither the member of Scheduled Caste nor Scheduled Tribe. On 07.04.2019 at about 6.00 p.m., the applicant and co-accused Ritesh Rajwade, Santosh Singh, Vikash Singh took her forcefully towards forest, they abused her on the caste basis and, thereafter, co-accused Ritesh Rajwade and applicant took her forcefully by motorcycle in the house of applicant. Co-accused

Ritesh Rajwade committed sexual intercourse with her.

4. Counsel for the applicant submitted that the applicant has not committed any offence and has been falsely implicated in the case 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 no criminal antecedent is reported against the applicant in police case diary.
6. Looking to the facts and circumstances of the case, looking to the 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 the Cr.P.C. to the applicant.
7. Consequently, the bail application is rejected.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-