

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9358 of 2018

- Arjun S/o Shanker Aged About 27 Years By Caste Sweeper, R/o Indira Nagar, Ward No. 5, Dongargarh, Thana And Tahsil Dongargaon District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Churiya, District Durg Chhattigarh, District : Rajnandgaon, Chhattisgarh

---- Non-applicant

For Applicants	: Shri P. Kotecha, Advocate.
For Non-applicant	: Ms. Sangeeta Mishra, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

08.01.2019

1. This is 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. 131/2018 registered at Police Station – Churiya, District Durg (C.G.) for the offence punishable under Section 376 of the Indian Penal Code.
3. Case of the prosecution, in brief is that prosecutrix is the resident of Indiranagar, Dongargarh. She is aged about 19 years old. Applicant committed repeated sexual intercourse with her on pretext of marriage. Later on she came to know that the applicant is already married and is father of two children.
4. Learned counsel for the applicant argued that the applicant has no criminal background, he is innocent, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Counsel for the applicant further submitted that FIR is delayed by three months. Prosecutrix was an employee of the applicant. Prosecutrix had left the job violating the contract and thereafter the FIR has been lodged against the applicant.
7. These facts are subject matter of scrutiny of evidence which can be done by the trial Court at the time of disposal of the case.
8. Looking to the facts and circumstances of the case, looking to the fact that applicant who was already married and father of two children committed sexual intercourse with the prosecutrix, 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