

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9717 of 2018**

- Manoj Kumar Sahu S/o Ramjanam Sahu Aged About 27 Years
Caste Teli R/o Village Joor (Sahupara) Police Station Surajpur,
tahsil Bhaiyathan District Surajpur CG

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, outpost
Basdeyi Police Station Surajpur District Surajpur CG

---- Respondent

For applicant Mr. Shaktiraj Sinha, Adv.
For Respondent/State Mr.Vasim Miyan, PL.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****17-1-2019**

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. 351/2018 registered in Police out Post, Basdeyi, PS Surajpur, Distt. Surajpur (CG) for offence punishable under Section 376, IPC.
3. Prosecution story in brief is that prosecutrix is aged about 27 years and a resident of village Joor. On 21-1-2018 at about 4 pm prosecutrix and wife of Radhe had gone to cut fodder from field. Prosecutrix was cutting fodder of Rajpal Sahu. Wife of Radhe was cutting fodder from field of backside. The applicant reached there and committed forcible sexual intercourse.
4. Counsel for the applicant argued that the applicant is innocent and falsely implicated. He further submits that one another woman was accompanying the prosecutrix but she did not rescue the prosecutrix. Thus the prosecution story becomes doubtful. Hence he may be released on bail.

5. On the other hand, the State Counsel opposed the bail application.
6. Looking to the facts and circumstances of the case, looking to the statements of the prosecutrix under Section 161 and 164 of the Cr.P.C. and also the impact of granting bail on the society, this Court is not inclined to grant bail to the applicant.
7. Consequently, the MCRC is dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge