

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 9700 of 2018**

Jagendra Sahu, son of Shri Kali Ram Sahu, aged about 32 years, R/o Village Araud, Police Station Magarload, Tahsil Kurud, District Dhamtari (CG).
---- Applicant

Versus

State of Chhattisgarh, through Station House Officer, P.S. Magarload, Civil and Revenue District Dhamtari (CG).
---- Non-applicant

For Applicant	: Ms. Laxmeen Kashyap , Advocate
For Non-applicant	: Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

16.01.2019

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.282/2018 registered in Police Station Magarload, Civil and Revenue District Dhamtari for the offence punishable under Sections 376, 450, 506 of Indian Penal Code.
3. Case of the prosecution, in brief, is that on 17.10.2018, the prosecutrix was aged about 25 years. She is a resident of village Araud. On 17.10.2018 at about 11:30 a.m., the applicant entered in the house of prosecutrix at that time she was alone in her house. The applicant demanded to do sex with her, he pressed her mouth and committed sexual intercourse with her after giving threats to kill her. She was worried and narrated the said incident to her husband on 26.10.2018.
4. Counsel for the applicant submits that the applicant has not committed any offence and has been falsely implicated in the case. She further submits that the medical evidence does not support the prosecution case and there is a delay in lodging the FIR, it was

lodged on 26.10.2018 and as such he may be granted bail.

5. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicant however he submits that no criminal antecedent reported against the applicant in police case diary.
6. What would be effect of delay in lodging the FIR and medical evidence may be considered by the trial Court at the time of final disposal of the case.
7. Looking to the aforesaid facts and circumstances of the case and 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. Consequently, the bail application is rejected.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-