

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 323 of 2019**

Ramawatar Shriwas, aged about 35 years, S/o Judawan Shriwas, R/o Jiratola,
P.S. Gandai Tahsil Chhuikhadan, Civil and Revenue District Rajnandgaon.

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Gandai, Civil and Revenue
District Rajnandgaon (CG).

---- Non-applicant

For Applicant	: Mr. Dinesh Tiwari, Advocate
For Non-applicant	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

06.02.2019

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.248/2018 registered in Police Station Gandai, District Rajnandgaon for the offence punishable under Sections 506, 376, 509, 354(क)(ख) of Indian Penal Code.
3. Case of the prosecution, in brief, is that on 27.09.2018, the prosecutrix was aged about 31 years old. She is a resident of village Jiratola. On 27.09.2018 at about 5:00 a.m. at village Jiratola in front of her house, the applicant pressed her mouth and gave threat to kill her and committed forcible sexual intercourse with her. When she removed his hand from her mouth and shouted at that time her husband was came there then the applicant fled away from the spot.
4. Counsel for the applicant submitted that the applicant has not committed any offence. He has been falsely implicated in the case due to political enmity 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 submits 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 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.
7. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE