

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9957 of 2018**

Bheem Banjara S/o Shri Bagharam Banjara Aged About 32 Years
Caste Banjara, R/o Village Baturabahar, Police Station Pathalgaon,
District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station- Pathalgaon District Jashpur Chhattisgarh., District : Jashpur,
Chhattisgarh.

---- Respondent

For the Applicant	:	Shri L.K. Mishra, Advocate
For the State	:	Shri Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**18/01/2019**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.184/2018 registered at Police Station Patthalgaon, District Jashpur (C.G.) for the offence punishable under Section 354, 506, 376, 511 of IPC.
3. Case of the prosecution, in brief is that prosecutrix is aged about 20 years old and resident of village Navin Chandagarh. On 01/08/2018 on the proposal of applicant he had taken the lift from applicant at village from Tamta to Chandagarh Chowk, he had left him at Chandagarh Chowk by his motorcycle. Due to raining she went in a new constructed house. After sometime applicant reached there and committed forcible sexual intercourse with her. He got drink phenol to her.
4. Learned counsel for the applicant submitted that he has innocent and falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
6. Counsel for the applicant further submitted that FIR is delayed by two days. There are some contradictions in statement of the prosecutrix recorded under Section 161 and 164 of CrPC and her application. She had not narrated the incident during the treatment at hospital. No torn clothes have been seized from her. In these circumstance applicant may be released on bail.
7. The aforesaid circumstance which have been raised by the counsel for the applicant would be considered by the trial Court at the time of final disposal of the case. At this stage applicant does not get any help for releasing him on bail.

8. Looking to the facts and circumstances of the case, this Court is not inclined to give the benefit under Section 439 of CrPC to the applicant, his bail application is dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde