

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4236 of 2020

- Karulal Chawda, S/o. Gopilal Chawda, Aged about 28 years,
R/o. Village Sirkheda, PS Nimach, district Nimach MP

---- Applicant

Versus

- State Of Chhattisgarh, Through Station House Officer, Police
Station Korar, district North Bastar Kanker CG

---- Respondent

For Applicant : Shri D.N.Prajapati, Advocate
For Respondent /State : ShriVimlesh Bajpai, GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

14/08/2020

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 07/2020 registered at police station Korar, North Bastar, district Kanker (CG) for the offence punishable under Sections 376 and 450 IPC .

As per prosecution case, report was lodged by the father of the prosecutrix alleging that when he has gone to bank and his wife was doing work in the field, prosecutrix, who is mentally retarded, was alone in the house. It is alleged that when he returned from the Bank, he saw that the applicant was committing rape on her.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He submits that the prosecutrix was major. He submits that there was no internal or external injury on the body of the prosecutrix. Lastly, he submits that the applicant is in jail

since 23.01.2020 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion, therefore he may be released on bail.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the fact that the prosecutrix was mentally retarded and father of the prosecutrix had seen the applicant forcefully subjecting her to rape, I am not inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

Sd/-
(Rajani Dubey)
Judge