

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4231 of 2020

- Sonu Dewangan, S/o. Duberaj Aged about 21 Years, R/o. Village Malga, PS Bhatgaon, district Surajpur CG

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station- bhatagon district Surajpur Chhattisgarh.

---- Respondent

For Applicant	: Shri Rakesh Pandey, Advocate
For Respondent/State	: Shri Rahul Jha, 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. 180/2019 registered at police station Bhatgaon, district Surajpur (CG) for the offence punishable under Sections 363,365,366 and 376 (2)(1) IPC.

As per prosecution case, report was lodged by the brother of the prosecutrix who is mentally retarded, alleging that the applicant has subject her to rape.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He submits that the report was lodged

after five days of the incident and in her statement under Section 164 Cr.P.C. she has not stated anything against the applicant. He submits that the applicant is in jail since 14.11.2019; the charge sheet has been filed and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion therefore the applicant may be granted 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 that the prosecutrix was mentally retarded and the applicant was caught by her brother when the offence was committed, 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