

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 5980 of 2020**

- Samant @ Savant Korva, S/o Devlal Korva, aged about 20 Years, Residence of Patratoli, Thana Shankargarh, District- Balrampur Ramanujganj, Chhattisgarh.

**----Applicant**

**Versus**

- State of Chhattisgarh, Through Police Station- Ramanujganj, District- Balrampur Ramanujganj, Chhattisgarh

**---- Respondent**

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For Applicant  
For State

Shri Akath Kumar Yadav, Advocate.  
Shri Vimlesh Bajpai, Government Advocate.

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**Hon'ble Shri Justice Gautam Chourdiya**  
**Order on Board**

**26/11/2020**

1. The applicant has preferred this application under Section 439 of Cr.P.C. as he is in jail since 20.06.2019 in connection with Crime No.93/2019 registered at Police Station- Shankargarh, District Balarampur Ramanujganj, C.G. for the offence punishable under Sections 450, 376 of Indian Penal Code.
2. Allegation against the applicant is that on 18.06.2019 at 3:00 pm when the prosecutrix went to the house of the applicant as a guest, the applicant forcibly took her into a room in drunken condition and despite her resistance, committed sexual intercourse with her. On report being lodged to the above effect, offence under the aforesaid sections have been registered against the applicant.

3. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in this case. The prosecutrix is a married major lady having six children and due to previous enmity, she has falsely implicated the applicant. In this case, the application is in jail 20.06.2019 and charge sheet has already been filed. There is every likelihood that conclusion of the trial is likely to take some time, therefore, the applicant be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Considering the facts and circumstances of the case, the statements of the prosecutrix and other witnesses recorded under Section 161 of Cr.P.C., the FSL report of the prosecutrix, the fact that prosecutrix is the maternal sister of the deceased and there appears to be no reason with her for false implication of the applicant, the incident took place on 18.06.2019, report of which was lodged promptly and that most of the witnesses have been examined before the trial Court so far, without commenting anything on merits of the case, this Court is of the opinion that present is not a fit case for grant of bail to the applicant.
6. Accordingly, the application MCRC No.5980 of 2020 is rejected.

Sd/-  
Gautam Chourdiya  
Judge