

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 6008 of 2020

- Rajesh Chaudhri, aged about 25 years, S/o Umend Chaudhri (Umend Singh), R/o Village Neori, Thana Jhagrakhand, District Koriya (C.G.)

---- Applicant

Versus

- The State of Chhattisgarh, Through Police Station Jhagrakhand, District Koriya (C.G.)

---- State/Non-applicant

For Applicant : Shri Parag Kotecha, Advocate

For Non-Applicant/State : Ms. Veena Nair, Deputy Advocate General

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

26.11.2020

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 21.06.2020 in connection with Crime No. 80/2020 registered in Police Station- Jhagrakhand, District Koriya (CG) for the offence punishable under Sections 376 & 450 of IPC.
2. Case of the prosecution in brief is that on 20.06.2020, the prosecutrix lodged a written complaint at Police Station Jhagrakhand to the effect that on 18.06.2020 at 10:00 pm the accused/applicant committed forcible sexual intercourse with her.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He submits that the prosecutrix was a major married lady of 25 years and in fact she was consenting party, but, she was seen by her children in objectionable position with the applicant, therefore, the applicant has been falsely implicated in this case. He submits that there is unexplained delay of two days in lodging the report and further the medical report also does not support prosecution case. 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 manner in which the offence was committed, statements of minor children of the prosecutrix namely Sourabh and Ravi Kumar and the contents of the F.I.R. lodged by the prosecutrix, without expressing any opinion on merits of the case, this Court is of the opinion that present is not a fit case for releasing the applicant on bail. Accordingly, the application is rejected.

Sd/-

(Gautam Chourdiya)
Judge