

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.6785 of 2020**

- Chhote Lal S/o Sukul, Aged About 30 Years R/o Jilibaandh, Pandopara, Thana Khadgawa, District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Petitioner**Versus**

- The State Of Chhattisgarh Through Police Station Khadgawa District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

For Applicant : Shri Parag Kotecha, Advocate
 For Respondent/State : Shri Alok Bakshi, Additional AG

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****09/11/2020**

Heard.

1. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.54/2020 registered at Police Station Khadgawa, District Koriya for the offence punishable under Section 376, 450 of the IPC. The applicant was arrested on 13-03-2020.
2. Prosecution case is that the present applicant entered into the house of the prosecutrix and committed rape on her.
3. Learned counsel for the applicant would argue that the applicant has not committed any offence and he has been falsely implicated, because there was no injury found on the body of the prosecutrix, who is a major lady. He also submits that in fact, in the night, the applicant and the prosecutrix were seen in compromising position by the husband of the prosecutrix, thereby, the applicant has been falsely implicated. It is next submitted that the incident is happened in the night and the FIR is lodged on the next date at 08.45 PM in the night. It is lastly submitted that at this stage, when investigation is complete, charge sheet has been filed and the applicant is in jail since 13-03-2020, he may be granted bail.

4. On the other hand, learned counsel for the State/non-applicant opposes the bail application by submitting that the prosecutrix has clearly stated that when she was all alone in the house, the applicant entered into her house and forcible sexual intercourse was committed on her and when she attempted to call for help, her mouth was gagged, which makes out a prima facie case against the applicant.

5. Taking into consideration the submission of learned counsel for the parties, material disclosed in the case diary and particularly taking into consideration the statement of the prosecutrix, the present is not a fit case for grant of bail.

6. Accordingly, the bail application is rejected.

Certified copy as per rules.

SD/-
(**Manindra Mohan Shrivastava**)
Judge