

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8529 of 2019**

- Santram Satnami S/o Govardhan Aged About 45 Years R/o Village Karda, Lavan, Kasdol, District Balodabazar, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : The Station House In-Charge, Chauki Lawan, Taluka Kasdol, District Balodabazar, Chhattisgarh.

---- Respondent

For Applicant	:	Ms. Supriya Upasane, Adv.
For Respondent/State	:	Mr. Wasim Miyan, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****11/02/2020**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 422/2017 registered at Police Station - Chauki-Lawan, Thana-Kasdol, Balodabazar, District-Balodabazar (C.G.) for the offence punishable under Sections 450 and 376(2) of the IPC.
2. The prosecution story, in brief is that, the complainant lodged a report that on 18.10.2017 when the prosecutrix who is deaf-dumb and mentally disabled was sleeping in a room then the applicant came to the house of the prosecutrix, found her all alone and committed sexual intercourse with the prosecutrix. Based on this offence has been registered against the present applicant.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the applicant is in jail since 31.12.2018, there is no likelihood of his case being decided in near future, therefore, the present appellant may be released on bail.
4. On the other hand, counsel for the State opposes the bail application submitting that the applicant did a very heinous crime to commit forcibly sexual intercourse with the deaf-dumb and mentally disabled female so, it is not a fit case to release him on bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, especially nature and gravity of crime in question, at this stage, I am not inclined to release him on bail.
7. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

**Sd/-
(Rajani Dubey)
Judge**