

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 125 of 2021

- Devsharan Yadav aged 24 years, S/o Shri Dhansingh Yadav, at – Dadargaon, P.S. Chura, Gariyaband (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, through P.S. Chura, District - Gariyaband (C.G.)

---- State/Non-applicant

For Applicant	:	Shri Lukesh Kumar Mishra, Advocate
For Respondent/State	:	Shri Ajay Kumrani, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

01.03.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 24.11.2020 in connection with Crime No. 162/2020 registered in Police Station – Chura, District Gariyaband (CG) for the offence punishable under Sections 366 & 376 (2) (n) of IPC.
2. Allegation against the present applicant is that on 09.11.2020 he forcefully abducted the prosecutrix by pickup-vehicle (*Chhota-Hathi*) and went to Orrisa, where he stopped the vehicle in jungle for having sexual intercourse with her and thereafter he committed forcible sexual intercourse with her repeatedly. F.I.R. was lodged by the father of the prosecutrix against the applicant.
3. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in the crime in question. He further submits that the prosecutrix and the applicant are major and they were having affair. He also submits that the applicant is in jail since 24.11.2020, charge-sheet has already been filed and 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, looking to allegation made against the applicant, medical report of the prosecutrix, in her 164 & 161 Cr.P.C. statements, there is no mention of any previous affair of her with the applicant, she supported the contents of the F.I.R. lodged by her father against the applicant, and that the applicant committed forcible sexual intercourse with her repeatedly, the charge-sheet has already been filed, 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