

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 140 of 2021

- Pramod Kumar Pandey S/o Chandrika Prasad Pandey, aged about 55 years, Resident of Village – Malhar, Chauki Malhar, Police Station-Masturi, District Bilaspur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh Through it's Police Chauki – Malhar, Police Station – Masturi, District Bilaspur (C.G.)

---- State/Non-applicant

For Applicant	:	Shri Amiyakant Tiwari, Advocate
For Respondent/State	:	Shri Sudhir Sahu, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

11.02.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 20.11.2020 in connection with Crime No. 503/2020 registered in Police Chauki – Malhar, Police Station – Masturi, District Bilaspur (CG) for the offence punishable under Sections 376, 342, 323 & 506/34 of IPC.
2. The present applicant is father-in-law of the prosecutrix and Shubham Pandey is a auto driver and is the husband of the prosecutrix. Allegation against the applicant is that he used to commit forcible sexual intercourse with the prosecutrix after making her drink liquor whenever her husband would go out from the house for driving his auto.
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 also submits that the applicant is in jail since 20.11.2020 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, particularly considering the statements under Sections 161 & 164 CrPC of the prosecutrix that her father-in-law (applicant) committed forcible sexual intercourse with her after making her drink liquor when she was alone in the house, as per medical report she sustained injury on different part of her body, 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