

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C. No. 1052 of 2021

- Jawahar Lodhi S/o Makhanlal, Aged About 38 Years, R/o -village Chikhili, Rajnandgaon, Police Station -Lalbagh, District -Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Lalbagh, District -Rajnandgaon, Chhattisgarh.

--- Respondent

For Applicant	: Mr. A.K. Trivedi, Advocate.
For Respondent/State	: Mr. B.P. Banjare, Dy. GA.

(Proceedings through video conferencing)
Hon'ble Shri Parth Prateem Sahu, J
Order on Board

12/07/2021

Heard.

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicant, who has been arrested in connection with Crime No.299/2019, registered at Police Station – Lalbagh, Distt -Rajnandgaon, (C.G), for the offence punishable under Sections 376 & 506 of Indian Penal Code.
2. Case of the prosecution is that complainant has lodged a report before concerned police station against present applicant making allegation that applicant is a driver of goods vehicle, on the date of incident, when complainant was sleeping in her house, applicant entered into her house and forcefully committed sexual intercourse with her. Based upon the complaint, aforementioned offence has been registered against the applicant.
3. Learned counsel for the applicant submits that applicant has been falsely implicated in this case, allegation levelled against applicant is that he entered into the house of complainant where she was sleeping and committed forcefully sexual intercourse with her. He submits that at the

time incident, as many as 8-9 persons are present in the house, therefore, allegation levelled against applicant is suspicious. He further submits that 7 witnesses have been examined and all of them are hostile. He further pointed out that applicant is in jail since 24.06.2019, hence, he may be released on bail.

4. Learned State Counsel opposes the submissions made by learned counsel for the applicant and submits that allegations levelled against present applicant are very serious in nature. Applicant was engaged as 'driver' by son-in-law of complainant who is residing as neighbour. In the night, applicant was sleeping in the courtyard of the house and suddenly, he came to the place where complainant was sleeping and committed sexual intercourse with her. Upon seeing this incident, the child sleeping near the complainant shouted and called sister of complainant who came on spot and saw the applicant committing sexual intercourse with complainant, to whom she pulled out and also slapped him. Complainant was examined before the trial Court and in her examination-in-chief, she has supported the complaint lodged by her, hence, applicant is not entitled for grant of bail.
5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegations levelled against applicant, documents available on record, examination-in-chief of complainant, I am not inclined to allow this bail application.
7. Accordingly, bail application is dismissed.

Sd/-
(Parth Prateem Sahu)
Judge