

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceedings through video conferencing****MCRC No. 3975 of 2021**

- Sailesh Kumar Sahu S/o Bansh Lal Sahu Aged About 35 Years R/o Village Sakariya, P.S. Khadganwa, Tahsil Khadganwa District Korea Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through S.H.O. P.S. Khadganwa, District Korea Chhattisgarh.

---- Respondent

For Applicant	-	Shri Kishan Lal Sahu, Advocate.
For Respondent/State	-	Shri Chandresh Shrivastava, Dy. Advocate General.
For Objector	-	Shri Anil Gulati, Advocate.

Hon'ble Shri Prashant Kumar Mishra Ag. Chief Justice
Order on Board

27-07-2021

1. Heard.
2. The applicant has preferred the first bail application under Section 439 of the Cr.P.C., as he has been arrested in connection with Crime No.139/2021, registered at Police Station – P.S. Khadganwa, District-Korea (C.G.) for the offence punishable under Sections 376, 450, 323 of the Indian Penal Code.
3. The applicant is neighbor of prosecutrix who is a married woman. At about 11 p.m. on 30-04-2021, the applicant committed house trespass in the house of the prosecutrix and after enquiring about her husband and finding that he is not in the house, he pushed the prosecutrix over

the bed and committed sexual intercourse which was resisted by the prosecutrix, whereupon the applicant assaulted her. The injuries sustained by the prosecutrix during assault made by the applicant has been found positive in the M.L.C.

4. Learned counsel for the applicant submits that the applicant is a handicapped person, therefore, it is impossible that he would commit rape on a married grown up lady.
5. Shri Chandresh Shrivastava, learned State counsel and Shri Anil Gulati, learned counsel for the objector would oppose the prayer for grant of bail.
6. Having considered the material available in the case diary, I am not inclined to release the applicant on bail at this stage. However, reserving liberty in favour of the applicant to revive the prayer after examination of the prosecutrix.
7. Accordingly, the present MCRC is dismissed with the liberty aforesaid.

SD/-

(Prashant Kumar Mishra)
Acting Chief Judge

Amardeep