

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4923 of 2021

- Awdhesh Rajwade, S/o Sahoran Rajwade, Aged About 25 Years, R/o Village- Putki, Police Station- Chandoura, Tahsil- Pratappur, District- Surajpur, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- Station House Officer, Police Station- Chandoura, District- Surajpur, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri Anil Gulati, Advocate

For Non-Applicant/State : Shri Shreshtha Gupta, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

15.09.2021

Heard.

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 04.02.2021 in connection with Crime No.15/2021 registered at Police Station- Chandoura, District- Surajpur (C.G.) for the offence punishable under Sections 450, 506, 376 of IPC.
- 2) Case of the prosecution, in brief, is that on 26.01.2021 at about 11.30 when husband of the prosecutrix had gone out in connection with "*Ramayan Mandali Bhajan-Kirtan*" the present applicant illegally entered the home of the prosecutrix on the pretext of taking plug & switch for the said Mandali and committed forcible sexual intercourse on the threat of life.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the applicant is young offender, there is inordinate delay in lodging of the FIR as incident took place on 26.01.2021

and matter was reported on 03.02.2021. Version of the prosecutrix is not supported by the medical evidence, the applicant has no criminal antecedents, there is no likelihood of his tampering with the prosecution evidence or absconding. The applicant is in jail since 04.02.2021, charge-sheet has already been filed and due to COVID-19 trial is likely to take some time for disposal. Therefore, the applicant be released on bail by this Court.

- 4) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation made against the present applicant that he entered the house of the prosecutrix at night 11.30 when her husband was not there at home, after the incident next morning the prosecutrix told the entire story to her husband and villagers, there is no reason of false implication of the applicant in this case, other material available in the record, without commenting anything on merits of the case, the bail application of the applicant is rejected.

Sd/-
(Gautam Chourdiya)
Judge

Nadim