

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5091 of 2021

1. Akhilesh Soni S/o Late Bisahu Ram, Aged About 43 Years, R/o Village Korja, P.S. Gourela, Tahsil Pendraroad, District Gourela-Pendra- Marwahi (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Gourela, District Gourela- Pendra- Marwahi (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Ashok Soni, Advocate.
For Non-Applicant/State	:	Mr. Rahim Ubwani, P.L.

Hon'ble Justice Shri Gautam Chourdiya
Order on Board

03/08/2021

- 1) The matter is heard through video conferencing.
- 2) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in custody since 30/10/2020 in connection with Crime No. 203/2020, registered Police Station Gourela, District Gourela-Pendra-Marwahi (C.G.) for the offence punishable under Sections 376(2^द)(2^क) of Indian Penal Code.
- 3) Allegation against the present applicant is that he committed sexual intercourse with the prosecutrix, who is feeble minded women as a result of which she got pregnant. On report being lodged to the above effect, the aforesaid offence has been registered against the present applicant.
- 4) Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in this case. He further submits that there is inordinate delay of 9 months in

lodging the FIR, she is major lady of 40 years. He submits that in fact the applicant has been implicated in this case due to enmity between the family of the complainant and the applicant. He submits that the applicant is in jail since 30/10/2020, charge sheet has been filed, there is no apprehension of his absconding or tampering with the evidence of the prosecution and due to COVID-19 pandemic, conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail.

- 5) On the other hand, learned counsel for the State opposes the bail application.
- 6) I have heard the learned counsel appearing for the parties.
- 7) In the totality of the facts and circumstances of the case, the nature of allegation made against the present applicant, the fact that the prosecutrix was feeble minded as is mentioned in the impugned order of the Trial Court, she got pregnant due to alleged act of the applicant, there is nothing to show false implication of the applicant due to enmity between the complainant and himself, without commenting anything on merits of the case, this Court is not inclined to release the applicant on bail. Accordingly, the application is **rejected**.

-Sd/-
(Gautam Chourdiya)
Judge