

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 5175 of 2021

Vishnu Kashyap S/o Sukdas Kashyap, Aged About 20 Years,
 R/o Village Bagmohlai, Police Station Bhanpuri, District
 Bastar, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through The Police Station Kondagaon,
 District Kondagaon, Chhattisgarh.

---- Non-applicant

 For Applicant : Shri Pravin Kumar Tulsyan, Advocate
 For Non-applicant/State : Shri Gurudev I. Sharan, Govt. Advocate

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

25.10.2021

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 26.06.2021 in connection with Crime No.218 of 2021 registered at Police Station Kondagaon, District Kondagaon (C.G.) for commission of the offence punishable under Sections 376, 454 of Indian Penal Code.
2. Case of the prosecution is that, prosecutrix got married with one Mukesh Nage on 01.05.2021. On 23.06.2021, prosecutrix came to her father's house from her matrimonial house along with her husband. On 25.06.2021 at about 2.00 PM, applicant came to the house of prosecutrix and asked for water. When she served water to the applicant, applicant caught hold of her, committed wrong act, upon which, prosecutrix screamed and shouted. Upon hearing scream and shout of prosecutrix, parents of prosecutrix came on the spot, looking to whom, applicant tried to fled away,

who was caught by her father and thereafter, report was lodged on same day, based upon which, aforementioned mentioned crime was registered against the applicant.

3. Shri Pravin Kumar Tulsyan, learned counsel for the applicant would submit that applicant has been implicated in false case. There is no specific allegation of committing rape upon the prosecutrix against the applicant, hence, applicant may be enlarged on regular bail.
4. On the other hand, Shri Gurudev I. Sharan, learned Government Advocate representing the State while opposing the submissions made by learned counsel for the applicant would submit that allegations levelled against the applicant are serious in nature. He entered into the house of prosecutrix in afternoon and committed alleged offence, hence, he is not entitled for the benefit under Section 439 of Cr.P.C. He read over the statement of prosecutrix recorded under Section 164 of Cr.P.C. in support of his contention.
5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegations and manner, in which, alleged offence is stated to have been committed, I do not find it to be a fit case to enlarge the applicant on bail. Accordingly, bail application is dismissed.

Sd/-
(Parth Prateem Sahu)
Judge