

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

M.Cr.C. No. 5650 of 2021

- Ramnath S/o Bali Ram aged about 40 years, R/o Village Bheski, Police Station & Tahsil Rajpur, District Balrampur-Ramanujganj (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : Station House Officer, Police Station : Rajpur, District Balrampur-Ramanujganj (C.G.)

---- State/Non-applicant

For Applicant	:	Shri Ajeet Kumar Yadav, Advocate
For Non-Applicant/State	:	Ms. Deepti Shukla, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

24.08.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 24.05.2021 in connection with Crime No. 96/2021 registered in Police Station Rajpur, District Balrampur-Ramanujganj (CG) for the offence punishable under Section 376 (2) (n) of IPC.
2. Prosecution story in brief is that on 23.05.2021 complainant lodged a written report stating that her daughter is feeble minded. It is alleged that on the occasion of festival, the present applicant took her daughter to his house for making food and committed sexual intercourse with her. Thereafter, the applicant continuously made sexual intercourse with her daughter. When the complainant noticed pregnancy of her daughter, she enquired about the same from her, whereupon she disclosed that the applicant committed sexual intercourse with her.
3. Learned counsel for the applicant submits that the allegation against the applicant is false and fabricated, he has been falsely implicated in this case.

He also submits that applicant is in jail since 24.05.2021, conclusion of the trial is likely to take some time, therefore, he may be granted bail.

4. On the other hand, learned State Counsel opposes bail application.
5. Considering the facts and circumstances of the case, considering the nature of allegation made against the applicant who is 40 years old and he is maternal grand-father of the prosecutrix in relation, when the prosecutrix became pregnant, a meeting was convened in village, the applicant deserted the prosecutrix, that as per order of the trial Court, the prosecutrix, who is 21 years old, is feeble minded girl, without commenting anything on merits of the case, I am not inclined to grant bail to the present applicant.
6. Accordingly, the bail application is dismissed.

Sd/-
(Gautam Chourdiya)
Judge