

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 6177 of 2021

- Munna Baghel son of Gopal Baghel, aged about 50 years, resident of Village- Sambalpur, Police Station – Nandghat, District Bemetara (C.G.)

---- Applicant

Versus

- State of Chhattisgarh Through : Station House Officer, Police Station – Nandghat, District - Bemetara (C.G.)

---- State/Non-applicant

For Applicant : Shri Vipin Singh, Advocate

For Non-Applicant/State : Shri Chitendra Singh, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

15.09.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 04.06.2021 in connection with Crime No. 185/2021 registered in Police Station Nandghat, District- Bemetara (CG) for the offence punishable under Sections 450, 376 (2) (n), 506 & 323 of IPC.
2. Allegation against the present applicant is that on 01.06.2021 at about 11-12:00 pm, the applicant entered the house of the prosecutrix and committed sexual intercourse with her against her will and threatened that if she disclosed the incident to anyone he would kill her. It is also alleged that on 02.06.2021, the applicant again entered the house of the prosecutrix and committed sexual intercourse with her and also he slapped her. Thereafter, the prosecutrix disclosed the incident to her daughter and lodged a written report against the applicant on 03.06.2021.
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 submits that the present applicant has not committed sexual intercourse

with the prosecutrix against her will. He further submits that the prosecutrix is a widow lady and according to her, there was darkness at the place of incident. He also submits that applicant is in jail since 04.06.2021, 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, looking to the allegation made against the present applicant and medical examination of the prosecutrix which supported the prosecution case, statement of the prosecutrix, the gravity of offence and material collected by the investigating officer, 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