

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 9356 of 2020

- Sukheshwar Ram S/o Late Sagad Ram Yadav, aged about 34 years, R/o Village- Sajapani, Police Chowki-Kardega, Police Station-Tapkara, Civil & Revenue District Jashpur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh Through : The Station House Officer, Police Chowki-Kardega, Police Station-Tapkara, Civil & Revenue District Jashpur (C.G.)

---- State/Non-applicant

For Applicant	:	Shri Paras Mani Shriwas, Advocate
For Non-Applicant/State	:	Shri Amit Singh, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

02.02.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 08.10.2020 in connection with Crime No. 99/2020 registered in Police Chowki Kardega, Police Station Tapkara, District Jashpur (CG) for the offence punishable under Section 376 (2) (n) of IPC.
2. Present applicant, aged about 34 years, is the uncle of the prosecutrix who is aged 19 years. Allegation against the applicant is that when the prosecutrix went to house of the applicant for cooking food, the applicant committed forcible sexual intercourse with her. The incident was narrated by the prosecutrix to her mother. Therefore, on 08.10.2020 the written report was lodged by the prosecutrix against the applicant.
3. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in the crime in question. He also submits that the applicant is in jail since 08.10.2020 and conclusion of the

trial is likely to take some time, therefore, the applicant be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. Considering the facts and circumstances of the case, the fact that in her 164 Cr.P.C. statement, the prosecutrix has stated that when she went to the house of applicant, who happens to be her uncle in relation, for cooking food, he committed forcible sexual intercourse with her repeatedly on threat, without expressing any opinion on merits of the case, this Court is of the opinion that present is not a fit case for releasing the applicant on bail. Accordingly, the application is rejected.

Sd/-
(Gautam Chourdiya)
Judge