

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5833 of 2018**

Gyanchand @ Chhotu S/o Sabunath Bharti Aged About 18 Years
R/o- Village Balangi, P.S. Raghunathnagar, District- Balrampur-
Ramanujganj, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Outpost
Balangi P.S. Raghunathnagar, District- Balrampur-
Ramanujganj, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Nishikant Sinha, Advocate
For the State	:	Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**31/08/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.15/2018 registered at Police Station Raghunathnagar, District Balrampur Ramanujganj (C.G.) for the offence punishable under Sections 376(D), 450, 506/34 of IPC.
3. Case of the prosecution, in brief is that prosecutrix is aged about 30 years old. She was residing in the hut near the Brick kiln of the Sonu Gupta. On 29/03/2018 near about 8 p.m. applicant, co-accused Raju and Mukesh entered in her hut, pressed her mouth, given threatening to kill, then they committed forcibly sexual intercourse with her.
4. Counsel for the applicant argued that FIR is delayed, there are discrepancies in the statement of the prosecutrix recorded under Section 161 and 164 of CrPC. Applicant is innocent and falsely implicated in the present case, therefore, he shall be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.
6. Delay in FIR and discrepancies are the subject matter of the evidence which would be analyzed by the trial Court at the time of disposal of the case.
7. Looking to the facts and circumstances of the case, looking to the seriousness of the alleged offence and also the impact of granting bail on the society, this Court is not inclined to grant bail to the applicant.
8. Consequently, the MCRC is dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde