

(2018) 07 CHH CK 0201

Chhattisgarh High Court

Case No: Miscellaneous Criminal Case (MCRC) No. 4462 Of 2018

Gyas Lal Maliya

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: July 13, 2018

Acts Referred:

- Indian Penal Code, 1860 - Section 376, 457

Hon'ble Judges: P. Sam Koshy, J

Bench: Single Bench

Advocate: Dharendra Pandey, Mazid Ali

Final Decision: Dismissed

Judgement

P. Sam Koshy, J

1. This is the first application seeking for grant of bail to the Applicant who is in jail since 24.04.2018 in connection with Crime No. 159 of 2018

registered at Police Station Ratanpur, Distt. Bilaspur, for the offence punishable under Sections 457 and 376 IPC.

2. As per prosecution case, the applicant is said to have entered into the house of the prosecutrix at night and found her fast asleep and the applicant

thereafter tried to commit sexual intercourse with the prosecutrix. After an alarm being raised by the prosecutrix, the applicant is said to have left the

scene of occurrence.

3. Learned Counsel for the applicant submits that the applicant has been falsely implicated in the case. That, he is the Husband of the sister of

prosecutrix and because of some family dispute between the two sisters, he has been implicated in the case. Therefore, the applicant be released on

bail.

4. The State counsel however referring to statement of the prosecutrix submits that it is a case where the present applicant has been specifically

named by the prosecutrix of committing sexual intercourse with her and therefore prays for rejection of the bail application.

5. Without commenting on merits, considering the totality of the facts and circumstances of the case, particularly taking into consideration the

statement of the prosecutrix, this court is of the opinion that present is not a fit case to release the applicant on bail.

6. Accordingly, the bail application stands rejected.