

(2012) 02 SHI CK 0020
In the High Court Of Himachal Pradesh
Case No : Cr.M.P. (M) No. 106 of 2012

Jagjit Singh, through Sh. Baljeet Singh	APPELLANT
Vs	
State of Himachal Pradesh	RESPONDENT

Date of Decision : 28-02-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 439
Penal Code, 1860 (IPC) — Section 376, 506

Citation : (2012) 02 SHI CK 0020

Hon'ble Judges : Kuldeep Singh, J

Bench : Single Bench

Judgement

Kuldeep Singh, J.—This is an application u/s 439 Cr.P.C. for releasing the petitioner on bail in FIR No. 24/12 dated 24.1.2012, registered at Police Station, Baddi, under Sections 376, 506 IPC. It has been stated that no recovery is to be made from the petitioner nor the petitioner is required for further investigation in the case. The petitioner is bread winner of the family. The petitioner is Govt. employee and serving in education department posted as JBT. The prayer has been made for releasing the petitioner on bail u/s 439 Cr.P.C.

2. The status report has been filed. It has been submitted that the case has been registered on 24.1.2012 on the report lodged by the prosecutrix. It has been stated that on 24.1.2012 at about 6.30. p.m. the prosecutrix had gone to attend the call of nature but she was raped by the petitioner. On this case was registered.

3. It has been stated that broken bangles were taken into possession from the spot. In the MLC of the prosecutrix the doctor has opined that the victim is habitual of sexual intercourse and there is nothing to rule out the possibility of recent sexual intercourse. However the final opinion will given after reports of Forensic analysis are made available. It has been stated that prosecutrix is poor and her husband has been working in the factory. The prayer has been made for rejection of bail application.

4. Heard and perused the record. It has been stated by Learned Counsel for the petitioner that petitioner has been falsely implicated in the case. The alleged occurrence took place at about 6.30.p.m. on 24.1.2012 and the prosecutrix reported the matter at Police Station on 24.1.2012 at about 9.30.p.m. As per status report the prosecutrix has specifically alleged that the petitioner has committed forcible sexual intercourse with her. In these circumstances, the age of the prosecutrix and the fact that she is married woman is not material. There are serious allegations against the petitioner; hence he is not entitled to bail at this stage. Accordingly bail application is rejected. The observations made in the judgment are for disposal of the bail application and it shall not be construed as expression of opinion on the merits of the case.