

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.5012 of 2015

Kaaj Mohammad, S/o Raj Mohammad, aged about 22 years, caste Musalman, R/o Village Junwani, Pahripara, Police Station Urga, Tahsil Korba, Civil and Revenue District Korba (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through District Magistrate, Korba, District Korba (C.G.) and also through Police Station Urga, District Korba (C.G.)

---- Non-applicant

For Applicant:	Mr. Pushpendra Kumar Patel, Advocate.
For Non-applicant:	Mr. Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

22/09/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.173/2015, registered at Police Station Urga, Distt. Korba, for the offence punishable under Sections 452 and 376 of the IPC.
2. Case of the prosecution, in brief, is that on 12-6-2015, the applicant unauthorizedly entered into the house of the prosecutrix, aged about 22 years, and committed sexual intercourse upon her and thereby committed the offence.
3. Learned counsel for the applicant submits that the applicant has not committed any offence, he has falsely been implicated in the case, he is in custody since 20-6-2015 and therefore, he may be released on bail. The allegation of rape against the applicant is false, as there is seven days of delay in lodging the FIR and there is no medical evidence to

support the plea of rape. Charge-sheet has been filed.

4. On the other hand, learned State counsel opposes the bail application and submits that husband of the prosecutrix was out of station, he reached to the prosecutrix in the night of 18-6-2015 and the FIR was promptly lodged on 19-6-2015.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the present applicant, statement of the prosecutrix under Section 161 of the CrPC and other incriminating material against the applicant, I am not inclined to grant bail to the applicant. The application is rejected.

Sd/-
(Sanjay K. Agrawal)
Judge