

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4370 of 2016

Rafiq Khan, S/o. Ramjan Khan, Aged About 45 Years, R/o. Darima, Kotiya, Police Station Darima, Ambikapur, Presently Residing At Dodkakhar, Police Station Urga, Korba, District Korba, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Urga, District Korba, Chhattisgarh.

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09.08.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.184/2015 registered at Police Station- Urga, Distt. Korba (C.G.) for the offence punishable under Section 376, 506 of Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act and Section 3(2)(5) of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act.
2. As per the prosecution case, the applicant who is step father of the prosecutrix committed forceful sexual intercourse with her step daughter, the victim; thereby the offence is committed.
3. Learned counsel for the applicant would submit that the prosecutrix and her mother have been examined in this case and they have not supported the case of the prosecution and completely denied the allegations, therefore, no offence is made out against the applicant

as he has been falsely implicated; therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that the victim and her mother has been examined and they have not supported the case of the prosecution.
5. Perused the case diary and the documents. The case diary shows that one more witness Hembai who has seen the incident when it happened and was the eye-witness of rape is still to be examined and the allegations have been leveled against the father by the daughter. Taking into such facts and considering the nature of allegation and the relation *inter se* between the parties, I am not inclined to release the applicant on bail, as the entire evaluation of evidence can be made after all the witnesses are examined by the trial Court.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge