

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6549 of 2016

- Mohammad Raees S/o Mohammad Rasid Aged About 45 Years R/o
D.D.M. Road, Near Sai Mandir, Korba, District Korba Chhattisgarh ---
Petitioner

Versus

- State of Chhattisgarh Through Station House Officer, Police Station
Ajak, District Korba Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Awadh Tripathi, Advocate
For the Respondent	:	Mr. Ashutosh Pandey, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

24.10.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 05 of 2016 registered at P.S. Ajak, Distt. Korba (C.G) for the offence punishable under Section 376, 506 of IPC and Section 3(1) (xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. As per the prosecution case, on 27.7.2016 a report was lodged by the prosecutrix that on 26.7.2016 when she along-with her husband went to the house of present applicant for treatment of her epilepsy, the applicant asked and sent her husband to bring water and at that time the applicant has committed forcible sexual intercourse with the prosecutrix and she was threatened not to disclose to anybody. It is also alleged that on the next day the applicant went to the house of prosecutrix when she was all alone and caught her hand and chest and when she came out of the house, he

fled away.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and nothing restrained the prosecutrix to immediately lodge a report against the present applicant when the husband came with water as he was sent to bring water at the relevant time and the main dispute is about opening a poultry farm in the village for which a report was made by the applicant when it was objected by the villagers. Therefore, the applicant may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the statements of the prosecutrix u/ss 161 & 164 Cr.P.C., wherein positive allegations have been attributed against the present applicant. Taking into such statement of the prosecutrix, I am not inclined to allow this application. Accordingly, it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**