

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5157 of 2017

Mohd. Sayed Iraki S/o. Mohd. Shafiq Musalman, Aged about 19 years,
R/o. Kundudih, Police Station Sanaval, District Balrampur Ramanujganj
(C.G.) **---- Applicant**

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Sanaval, District Balrampur Ramanujganj (C.G.)

---- Respondent

For Applicant : Mr. J.K. Saxena, Advocate

For Respondent : Mr. Anil S Pandey, Govt. Advocate

Hon'ble Shri Justice Ram Prasanna Sharma
Order On Board

20/11/2017

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. 17/2017 registered at Police Station- Sanaval District Balrampur Ramanujganj (C.G.) for the offence punishable under Sections 450,376(2)(ढ) of the IPC and Section 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities)Act, 1989.
2. As per the prosecution case, on 24.04.2017 the applicant entered into the house of the prosecutrix at about 11 PM and closed the door of the house then committed forcible intercourse with the prosecutrix. The prosecutrix is a member of Scheduled Caste while the applicant is not a member of Scheduled Caste and Scheduled Tribe.

3. Counsel for the applicant submits that the statement of the prosecutrix recorded under Section 161 of the Cr.P.C. wherein she stated that earlier she was living with the applicant and a false case is made out against him. He further submits that the applicant is in jail 26.04.2017, therefore, he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. From the statements of the prosecutrix recorded under Section 161 and 164 of the Cr.P.C. it appears that the applicant entered in the house of the prosecutrix at night and closed the door of the house then committed forcible sexual intercourse with her. Prima-facie, there is evidence against the applicant for the offence as mentioned above. Looking to the material collected against the applicant and considering the totality of the case, this Court is of the opinion, that present is not a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Ram Prasanna Sharma)
Judge