

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8292 of 2016

Noor Mohammad, S/o. Shri Rafique Mohammad, Aged About 41 Years,
R/o. Village Chandmari, Tahsil & District Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station-
City Kotwali, District Raigarh, Chhattisgarh..

---- Respondent

For Applicant : Mr. Awadh Tripathi with Mr. Wasim Miyan,
Advocates

For Respondent : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17/01/2017

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.503/2016 registered at Police Station- City Kotwali, Raigarh (C.G.) for the offence punishable under Section 376 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by the prosecutrix on 02.10.2016 at about 15:10 that on 02.10.2016 at about 10 A.M. while she was alone in her house, the applicant forcefully entered into the house and committed sexual intercourse against her will.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated as there has been some monetary transaction in between the applicant and the prosecutrix and thereby the false report has been made. He further submits that

the medical report also do not support the commission of crime, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statement. The report was made immediately on the same day after certain point of time. Considering the statement wherein direct positive allegations are attributed against the present applicant, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge