

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1677 of 2017

Mohammad Raees, S/o. Mohammad Rasid, Aged About 45 Years, Caste Muslim, R/o. D.D.M. Road, Near Sai Mandir, Korba, Civil & Revenue District Korba, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station A.J.K. District Korba, Chhattisgarh.

---- Respondent

For Applicant : Mr. Dharmesh Shrivastava, Advocate

For Respondent : Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29.03.2017

1. This is the second 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.05/2016 registered at Police Station- A.J.K. Korba, District Korba (C.G.) for the offence punishable under Section 376, 506 of Indian Penal Code and 3(1)(12) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act. The first bail application was rejected on 24.10.2016 in MCRC No.6549 of 2016.
2. As per the prosecution case, on 27.07.2016 a report was lodged by the prosecutrix that on 26.07.2016 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 prosecutrix has been examined and she has not identified the present applicant and in detailed cross-examination, she has categorically stated that she do not know the present applicant, therefore, the applicant has been falsely implicated, consequently, he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary, documents and para 27 of the cross-examination. Considering para 27 of the cross-examination, without any observation on merit, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge