

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 106 of 2019**

Surendra Patre S/o Indra Lal Patre Aged About 33 Years R/o
Village Pipartarai, Post Pipartarai, Tahsil Kota, District Bilaspur
Chhattisgarh,

---- Applicant**Versus**

State of Chhattisgarh Through The Station House Officer, Police
Station Kota, District Bilaspur Chhattisgarh

---- Respondent

For applicant	Mr. Rajeev Kumar Dubey, Advocate.
For Respondent/State	Mr. Vinod Tekam, PL.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****30-1-2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 579/2018 registered in police station Kota, Distt. Bilaspur (CG) for offence punishable under Section 450, 506 and 376 of the IPC.
3. Perused the case diary.
4. Prosecution story in brief is that prosecutrix is about 18 years and 9 months old. She is a resident of village Pipartarai. Two months prior to 25-11-2018 between 12.00 and 1.00 pm prosecutrix was alone in her house. The applicant entered into her house, committed forcible sexual intercourse with her. He also gave threats to kill her if she narrates the incident to anyone. One week prior to 25-11-2018 she narrated the incident to her family members.
5. Counsel for the applicant argued that the applicant is innocent and falsely implicated. He further submits that in the application of the prosecutrix, date of incident has not been mentioned,

medical report does not support the prosecution case hence he may be released on bail.

6. On the other hand, the State Counsel opposed the bail application.
7. The aforesaid facts raised by the counsel for the applicant are subject matter of scrutiny of evidence which cannot be done by this Court at this stage
8. Looking to the facts and circumstances of the case, looking to the seriousness of the alleged offence and also the impact of granting bail on the society, this Court is not inclined to grant bail to the applicant.
9. Consequently, the MCRC is dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge