

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 797 of 2019**

Chandra Prakash Kurre S/o Mohan Das Kurre Aged About 32 Years R/o
Village- Beltukri, Police Station- Kharora, District- Raipur,
Chhattisgarh., District : Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station- Kharora, District-
Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Raza Ali, Advocate
For the State	:	Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**19/02/2019**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.438/2018 registered at Police Station Kharora, District Raipur (C.G.) for the offence punishable under Section 376, 342, 506 of IPC.
3. Case of the prosecution, in brief is that prosecutrix is about 20 years old and resident of Santoshi Nagar, Raipur. On 12/12/2018 applicant called the prosecutrix saying that he will provide her job. He took her in a house at Kharora. He touched her body, gave threats to kill her and committed forcibly sexual intercourse with her. Next day morning he left her at village Mandir Hasaud.
4. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
6. Counsel for the applicant further submitted that medical report does not support the prosecution case in the alleged house the family members of the applicant also reside. Police has not seized undergarment she had

borrowed money from applicant and when he demanded she falsely implicated in the case. Charge-sheet has already been filed, thus applicant may be released on bail.

7. The above mentioned facts raised by counsel for the applicant are the subject matter of the scrutiny which would have done by the trial Court.
8. Looking to the facts and circumstances of the case, looking to the material available on record against the applicant, this Court is not inclined to give the benefit under Section 439 of CrPC to the applicant. Accordingly, bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde