

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9869 of 2018**

Rajendra Prasad Gupta S/o Late H. S. Shah Aged About 70 Years R/o
Bajrang Nagar, Kunkuri District Jashpur Chhattisgarh.

---- **Applicant**

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Kunkuri District Jashpur Chhattisgarh.

---- **Respondent**

For the Applicant	:	Shri Amit Sharma and Shri Krishna Tandan, Advocates
For the State	:	Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**17/01/2019**

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.218/2018 registered at Police Station Kunkuri, District Jashpur (C.G.) for the offence punishable under Section 354 & 354(a) of IPC.
3. Case of the prosecution, in brief is that prosecutrix is about 28 years old. She is resident of Bemtatoli Kunkuri. A knot was developed in breast of the prosecutrix. She was getting treatment from applicant. On 22/11/2018 about 6.30 p.m. during the massage of the breast he touched her private parts, kissed her and impliedly told that if she will permit to do the sex then he will cured her knot problem.
4. Learned counsel for the applicant submits that he has 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 there was the money dispute between the applicant and prosecutrix, thus she has falsely implicated him.

7. At this stage *prima facie* it cannot be said that prosecutrix had falsely implicated the applicant on alleged money dispute.
8. Looking to the facts and circumstances of the case, looking to the conduct of the applicant who is doctor towards prosecutrix who was his patient, this Court is not inclined to grant the benefit under Section 439 of CrPC to the applicant. The bail application is dismissed.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde