

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4922 of 2020

- Haresh Kurre, S/o. Gajanand Kurre, Aged about 35 years, R/o. House No. 34, Sant Kabir Das Ward No.3, Purani Basti, Near Sitla Mandir, Gogaon Police Station Gudiyari, District Raipur CG

---- Applicant

Versus

- State Of Chhattisgarh, Through Station House Officer, Police Station Gudiyari, District Raipur CG

---- Respondent

For Applicant : Ms.Reena Singh, Advocate
For Respondent /State : Ms. Sunita Jain, GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

03/09/2020

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 97/2020 registered at police station Gudiyari, District Raipur (CG) for the offence punishable under Sections 376, 376(D) and 506/34 IPC.

As per prosecution case, report was lodged by the prosecutrix alleging that on the date of incident when she woke up in the night for washroom, the applicant committed rape on her after threatening to kill her. The prosecutrix informed about the incident to her husband and thereafter the report was lodged.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. She submits that the prosecutrix was major and there was a delay in lodging the FIR. She further submits

that the applicant is in jail since 17.06.2020 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion, therefore he may be released on bail.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the nature of allegation against the applicant, I am not inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

Sd/-
(Rajani Dubey)
Judge