

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4246 of 2021**

- Dr. Manohar Gupta S/o Shri Gokul Prasad Gupta Aged About 45 Years R/o Near Narayan Pan Thela, Bhawani Nagar, Gudhiyari , Police Station Gudhiyari, Raipur , District Raipur Chhattisgarh. ---- Applicant

Versus

- State Of Chhattisgarh Through Police Of Police Station Gudhiyari, Raipur , District Raipur Chhattisgarh.

---- Respondent

For Applicant	:-	Mr. Kashif Shakeel, Advocate
For Respondent-State	:-	Mr. Chandresh Shrivastava, Dy.AG

Proceedings through Video Conferencing**Hon'ble Shri Prashant Kumar Mishra, Ag.CJ**
Order On Board**03/08/2021**

1. The applicant has preferred this bail application under Section 439 of the Cr.P.C. for grant of regular bail as he is arrested in connection with crime No.92/2021 registered in Police Station Gudhiyari, Raipur District Raipur C.G. for the offence punishable under Sections 307, 376 of the I.P.C.
2. As per the prosecution case, the prosecutrix, aged about 30 years, works in a beauty parlor whereas her husband is a mason. With the assistance of the applicant, the prosecutrix purchased 720 sq.ft. of land on which house worth Rs.8.00

lacs was to be constructed. The applicant provided financial assistance of Rs.2.00 lacs to the prosecutrix and the house constructed on the land was put on rent by the applicant and the rent proceeds were retained by him. On the date of incident, the prosecutrix reached the applicant's clinic to seek possession of the house, the applicant being alone in the clinic, seized the opportunity; threw the prosecutrix on the ground; and committed forcible sexual intercourse. When she tried to raise alarm she was gaged and her neck was tied with the help of scarf due to which she became unconscious. She was admitted in Suyash Hospital. The forensic examination of underwear & legging of the prosecutrix and underwear of the applicant have been found positive. There is delay in FIR, however, when the prosecutrix was admitted to hospital she was found corona positive, therefore, the FIR has been lodged on 5-4-2021.

3. Considering the nature of allegations and the evidence available on record, I am not inclined to release the applicant on bail.
4. Accordingly, the bail application is rejected at this stage. However, liberty is reserved in favour of the applicant to revive the prayer for grant of bail after examination of the prosecutrix.

SD/-

(Prashant Kumar Mishra)
Acting chief Justice

Gowri