

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7105 of 2015

1. Badri Verma, S/o. Takhatram Verma, aged about 45 years, R/o. Village-Lakhanpur, Police Station- Bodla, District – Kabirdham (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Police Station Bodla, District – Kabirdham (C.G.)

---- Respondent

For Applicant	: Mr. Avinash K. Mishra, Advocate
For Respondent/State	: Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.137/2015, registered at Police Station – Bodla, District – Kabirdham (C.G.) for the offence punishable under Section 376 of the Indian Penal Code and Section 3 (1) (11) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocity) Act.
2. Case of the prosecution, in brief, is that in the year 2014, the applicant came to the house of the prosecutrix, who was aged about 30 years and thereafter committed forceful intercourse with her and she was subjected to threaten. Initially the incident was not reported to anyone, subsequently, the report was made.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that the prosecutrix was live in relation with the applicant and out of the relation a child was borne to whom father's name was also given by the

applicant, therefore, it can not be stated that the prosecutrix was subjected to forceful rape. The counsel referred to birth certificate of the daughter which is filed as Annexure A/2 and A/3 and would submit that the applicant has given his name in place of father's name of the child and therefore no case is made out. He would further submit that the applicant is in jail since 14.11.2015, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. I have perused the statement of the prosecutrix recorded under Section 161 and 164 of Cr.P.C. Having regard to the fact and the nature of the allegation levelled, without any observation on merits of this case, for the purpose of bail, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge