

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5961 of 2015

Mithelal Satnami S/o Babudas Banjare Aged About 34 Years R/o
Village Rushekapa, Police Station Pandatarai, Tahsil : Pandariya,
District : Kabirdham Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : Station House Officer Police
Station : Pandariya, District : Kabirdham Chhattisgarh

---- Respondent

For applicant - Shri Gurudev I Sharan, Advocate.
For Respondent/State – Shri S.R.J. Jaiswal, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

6/11/2015

1. Shri Shashikant Sinha, I.O. is present in person. His presence is exempted.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.219/2015 registered in Police Station Pandariya, District Kabirdham (C.G.) for offence punishable under section 376, 450 of IPC.
3. As per the prosecution case, prosecutrix aged about 28 years lodged a report that applicant has committed rape with her and subsequently on the report made, case has been registered. As reflects charge sheet has been filed.
4. Learned counsel for the applicant submits that during the course of filing of the charge sheet, statement of the prosecutrix under Section 164 of Cr.P.C. has been recorded wherein she has categorically stated that no rape was committed with her and at the pressure of the police, report was

made and the applicant though misbehaved but has not committed any rape, therefore he may released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. I have gone through the statement of the prosecutrix under section 164 of Cr.P.C.

7. Having regard to the statement under Section 164 of Cr.P.C. wherein prosecutrix has categorically stated that no rape has been committed and forcibly report was made, also considering the fact that charge sheet has been filed, this court is inclined to release the applicant on bail.

8. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Certified copy today.

Sd/-

(Goutam Bhaduri)

JUDGE