

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7183 of 2015

1. Dhaneshwar @ Chotu Chandra, aged about 52 years, S/o. Piluram
Occupation-Agriculture, Residence of Village- Khajurani, P.S. & Tahsil
– Jaijaipur, District – Janjgir-Champa (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : District Magistrate, Janjgir, District –
Janjgir-Champa (C.G.)

---- Respondent

For Applicant : Mr. V.C. Ottalwar, Advocate

For Respondent/State : Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/12/2015

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.71/2015, registered at Police Station – Jaijaipur, District – Janjgir-Champa (C.G.) for the offence punishable under Section 376, 506-B of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 04.10.2015 the applicant extended threat to cause her death to the prosecutrix and committed sexual intercourse without her will and thereafter 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 stated to be 26 years of age and this fact has been supported by the prosecutrix before the Court below on her affidavit which is filed as Annexure A/2 that no offence has been committed. He would further submit that the applicant is in jail since 20.11.2015 and the charge sheet in this case has been filed, 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 affidavit and the application of the prosecutrix filed as Annexure A/2 before the Court below alongwith the statement of the prosecutrix. Taking into statement of the prosecutrix and further taking into the affidavit and the application, wherein she has stated that no offence has been committed by the applicant, without any observation on merits, 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