

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6565 of 2015

1. Devnarayan Ram Marabi, S/o. Late Shri Bhausa Ram Marabi, aged about 39 years, by caste – Gond, R/o. Village – Patradih, Police Station & Tahsil Lundra, District – Sarguja (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station - Lundra, District – Sarguja (Chhattisgarh)

---- Respondent

For Applicant	: Ms. Madhunisha Singh, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/12/2015

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.89/2015, registered at Police Station – Lundra, District – Sarguja (C.G.) for the offence punishable under Section 376 of the I.P.C. .
2. Case of the prosecution, in brief, is that the applicant in between 24.07.2015 to 26.07.2015 committed forcefully intercourse with the prosecutrix.
3. Learned counsel for the applicant would submit that the prosecutrix is a lady of 48 years and the applicant has been falsely implicated in this case and according to the statement recorded under Section 164, no offence was committed with the prosecutrix. She would further submit

that charge sheet in this case has been filed and the applicant is in jail since 01.08.2015, therefore, she 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 gone through the statement under Section 161 and 164 of Cr.P.C., wherein the prosecutrix has stated that the applicant has not committed any offence with her and the applicant has been falsely implicated and she treated the applicant as son. Considering such statement, 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