

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6778 of 2015

1. Govind Sarkar, aged about 35 years, S/o. Virendra Sarkar, R/o. P.V.-42, Vidyanagar, Thana and Tahsil Pakhanjore, District – Uttar Bastar Kanker (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Police Station, Pakhanjore, District – U.B. Kanker (C.G.)

---- Respondent

For Applicant : Mr. Parag Kotecha, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy.Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10/12/2015

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.87/2015, registered at Police Station – Pakhanjore, District – U.B. Kanker (C.G.) for the offence punishable under Section 376, 506, 457 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicant on the pretext of marriage has committed sexual intercourse with the prosecutrix, who is widow, aged about 34 years. 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 statement of the prosecutrix do not support the case of the prosecution and at the behest of the family members of the prosecutrix, false report has been made. He would further submit that charge sheet in this case

has been and the applicant is in jail since 12.09.2015, 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 under Section 164 of Cr.P.C. in such statement the prosecutrix has not stated anything against the applicant and stated that nothing has been committed by the applicant. Taking into the statement of the prosecutrix, without any observation on merits, 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