

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 352 of 2016

Sarju Das S/o. Chanda Das, aged about 42 years, Caste Panika, R/o. Village Turna, P.S. Darima and Tehsil Ambikapur, Civil and Revenue District Surguja (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Darima, Civil and Revenue District Surajpur (C.G.)

---- Respondent

For Applicant	:- Mr. Shakti Raj Sinha, Advocate
For Respondent/ State	:- Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

29/01/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 133/2015 registered at Police Station- Darima, Civil and Revenue District Surguja (C.G.) for the offence punishable under Sections 363,366,376 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 30.10.2015, a report was made by the prosecutrix alleging that on 27.10.2015 while the prosecutrix was grazing the cattle along with her uncle Budhnath and sister Sarthi at that time the applicant came there and catch hold the hands of the prosecutrix and dragged her which were intercepted by the uncle and the sister of the prosecutrix, however, they were made to sit quite there. Subsequently, the prosecutrix was taken to a distance in the field and committed rape with the prosecutrix. Thereafter, again the prosecutrix was taken to Rajpuri

and stayed in the house of aunt of the prosecutrix and again committed sexual intercourse with the prosecutrix. Thereby, the offence is committed.

3. Counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits that the story as has been projected is completely improbable and is not possible for a person to drag and took away the major girl at a distance in the present of her uncle and sister and thereafter to commit rape with the prosecutrix. He further submits that the applicant is in jail since 01.11.2015, therefore, he may be enlarged on bail.
4. State counsel opposes prayer for grant of bail.
5. Having regard to the fact and perusal of the statement recorded under section 161 of Cr.P.C. wherein the prosecutrix has stated that in the presence of her sister and uncle she was dragged and taken to a distance and thereafter committed rape with her, considering the statement for the purpose of bail without any observation on merit, this Court is of the opinion, that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-

(Goutam Bhaduri)
Judge