

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3674 of 2016

- Bulak S/O Panna Lal Aged About 30 Years Caste - Nat, R/O Village : Bargaon, Tahsil & Police Station Pamgarh, District Janjgir - Champa Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through - Station House Officer, Police Station - Pamgarh, District : Janjgir - Champa Chhattisgarh

---- Respondent

For Applicant : Mr. Lalit Jangde Advocate
For Respondent/State : Mr. Satish Gupta, Govt. Advocate
For objector : Mr. Jeet Patel, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

25.07.2016

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 on 21-04-2016 in connection with Crime No. 93 of 2016, registered at Police Station Pamgarh, District Janjgir-Champa (CG) for the offence punishable under Sections 450 and 376 of the IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per prosecution case, a report was made by Gyan Bai, who is the maternal aunt of the prosecutrix, that prosecutrix who was deaf and dumb was subjected to rape by the applicant and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in this case, he has not committed any offence and due to some misunderstanding a false report was made. He would further submit that affidavit has also been filed which was directed to be verified by the State

counsel. He would further submit that no objection has also been filed by the objector for grant of bail to the applicant, the charge-sheet has been filed in this case, he is in jail since 21-04-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. Learned counsel for the objector does not have any objection for grant of bail.
6. I have heard learned counsel for the parties and have also perused the case diary and the documents.
7. Perused the statement of the prosecutrix recorded under Section 164 of the Cr.P.C, wherein it has been stated that no rape has been committed by the applicant.
8. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicant and considering the statement of the prosecutrix recorded under Section 164 of the Cr.P.C and also no objection filed by the objector and without any observation on the merits of the case, I am inclined to release the applicant on bail.
9. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju

