

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7539 of 2015

1. Suryakant Mahra, S/o. Khilawan Mahra, aged about 24 years, R/o. Bhelori, Police Station Dhamdha, District – Durg, presently residing at Rawabhatha, Junadih, Police Station Khamtarai, Civil and Revenue District – Raipur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station - Khamtarai, District – Raipur (C.G.)

---- Respondent

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/01/2016

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.321/2015, registered at Police Station – Khamtarai, District – Raipur (C.G.) for the offence punishable under Section 456, 376 of Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 29.08.2015 at about 9.30 pm, the prosecutrix was at her house at that time, the applicant came inside the house and the father of the prosecutrix was sleeping in other room and the prosecutrix was in other room, the applicant committed forcefully sexual intercourse with the prosecutrix and when the brother of the prosecutrix came, the applicant ran away.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that the

way the offence has been narrated, it can not be stated that the applicant has forcefully committed intercourse with the prosecutrix. He would further submit that the medical evidence also do not support the prosecution case. He would further submit that the applicant is in jail since 01.09.2015 and the charge sheet in this case has been filed, therefore, he 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.
6. Perused the file. Taking into account the way the offence is alleged to have been committed in the presence of the father of the prosecutrix, without any observation on merits, under the facts and circumstances, 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