

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7636 of 2015

1. Dhaniram Sahu, S/o. Shri Tilak Ram Sahu, aged about 30 years, Caste- Teli, R/o. Village-Kishungarh, Police Station – Pandariya, Civil and Revenue District – Kabirdham (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : District Magistrate, Kabirdham, Chhattisgarh, Police Station – Pandariya, District – Kabirdham (C.G.)

---- Respondent

For Applicant	: Mr. Sandeep Yadav, 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.264/2015, registered at Police Station – Pandariya, District – Kabirdham (C.G.) for the offence punishable under Section 376, 450, 506 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made that the applicant on 01.12.2015 forcefully entered into the house of the prosecutrix when the mother-in-law, father-in-law were not present in the home and threatened the prosecutrix that the children would be killed and thereafter forcefully committed sexual intercourse.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that statement under Section 164 of Cr.P.C. was recorded, wherein it is stated that report was made because there was money dispute exists

between the parties. He would further submit that taking into the contradiction in the statement recorded under Section 164 and Section 161 of Cr.P.C., and further taking into the fact that charge sheet in this case has been filed and the applicant is in jail since 04.12.2015, 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. Perused the statement of the prosecutrix under Section 161 as also the statement recorded under Section 164 of Cr.P.C., which is also the part of the record. Taking in to such contradiction and the way the offence is alleged to have been committed, 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