

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7463 of 2016

- Dinupaal S/o Pilaram Paal Aged About 25 Years R/o Village Sonpuri, Police Station City Kotwali Balodabazar, District Balodabazar Bhatapara, Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Police Station Balodabazar District Balodabazar Bhatapara, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Sumit Jhanwar, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

29-11-2016

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 29-8-2016 in connection with Crime No. 343 of 2016, registered at Police Station City Kotwali, Balodabazar, District Balodabazar – Bhatapara (CG) for the offence punishable under Sections 376(d) and 506 of the IPC.
2. As per prosecution case, on 18-8-2016 prosecutrix was coming along with her friends after answering the call of nature, at that time, the applicant along with other co-accused persons met her and thereafter prosecutrix asked her friends to go home and advised that she will be coming after talking to the applicant and other co-accused persons and thereafter present applicant and other co-accused persons took the prosecutrix to the field and committed sexual intercourse with her and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, the first information report was made on 29-8-2016, the allegation is completely improbable and false allegations have been attributed to the present applicant. No forcible sexual intercourse is supported by the medical evidence as no injury has been reported. He would further submit that the charge-sheet has been filed in this case, he is in jail since 29-8-2016 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. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statements of the prosecutrix and her friend and also the map.
7. Taking into consideration the facts and circumstances of the case and further considering the statement of the prosecutrix and her friend, without further observation on the merits of the case, I am inclined to release the applicant on bail.
8. 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