

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5007 of 2016

Kamla Prasad Paikra, S/o. Nanram Paikra, Aged About 52 Years, R/o. Village Chakeri, Nageradugu, Police Station & Tahsil Udaypur, District Surguja, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Udaypur, District Surguja, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ajay Kumar Pandey, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

30.08.2016

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.42/2016 registered at Police Station- Udaypur, District Surguja (C.G.) for the offence punishable under Section 376(1)(ढ) of Indian Penal Code and Section 5 (ग),(ढ),(ढ), 6 of Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, on 03.05.2016 the applicant called the minor victim/prosecutrix and thereafter took her to a shed and committed sexual intercourse.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated as the medical report do not support the commission of rape and there is some demand of money was made, therefore, false allegation is attributed to the applicant and, as such, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the medical report of the victim wherein hymen is shown to be intact. The FSL which has been sent alongwith the case diary is not readable and the State counsel is also not able to make any submission as it is so faded. The State is unable to place on record what is outcome of the FSL. Taking into the medical report, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. 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.

Sd/-
(Goutam Bhaduri)
Judge