

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6647 of 2016

- Rampal Baiga S/o Mehilal Baiga, Aged About 32 Years R/o Devgarh, Police Station Janakpur, District Korea, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through Station House Officer, Police Of Police Station Janakpur, District Korea, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Anil Gulati, Advocate
For the Respondent	:	Mr. Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26.10.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 96 of 2016 registered at P.S. Janakpur, Distt. Korea (C.G) for the offence punishable under Sections 376(2) (ta) (dha) (ja) & 506-B IPC.
2. As per the prosecution case, a report was made by the prosecutrix on 04.07.2016 that on 10.09.2015 the present applicant has committed rape thereby she became pregnant and on 14.06.2016 one child was borne because of that act, therefore, the report was made.
3. Learned counsel for the applicant would submit that initially on 14.06.2016 and after the birth of the child report was made against one Sukhsen Vishwakarma who was brother-in-law of the victim and in that the allegations were attributed to Sukhsen Vishwakarma. Subsequently the allegations were shifted to the present applicant and false allegations have been made. It is further submitted that the charge sheet in

this case has been filed and the applicant is in jail since 06.07.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and the FIR which was made on 04.07.2016 though the alleged offence took place on 10.09.2015. The case diary also reflects that another FIR was made on 14.06.2016 against Sukhsen Vishwakarma when the child was born.
6. Considering such two different reports and the statements of the victim, without any further observation on merits of the case, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court/Remand Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**