

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6923 of 2016

- Manharan Dhruv @ Mansa Dhruv S/o Ramesh Kumar Dhruv Aged About 25 Years R/o Village Chhindoula, Police Station Gariyaband, District Gariyaband, Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Gariyaband, District Gariyaband, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. A.D. Kuldeep, Advocate

For Respondent/State : Mr. Avinash Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08-11-2016

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 13-5-2016 in connection with Crime No. 73 of 2016, registered at Police Station Gariyaband District Gariyaband (CG) for the offence punishable under Sections 376(1), 450, 506 (Part-II) of the IPC..
2. Case of the prosecution, in brief, is that on 11-5-2016 a report was made by the prosecutrix that on 10-5-2016 the applicant entered into her house forcibly and committed rape on 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, first information report is delayed by 12 hours, false allegations have been made against the applicant and the prosecutrix was a consenting party.

He would further submit that charge-sheet has been filed, the applicant is in jail since 13-5-2016 and no further investigation is necessary, therefore, they 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, perused the case diary and documents.
6. Perused the statement of the prosecutrix which shows that while the applicant was committing rape on her, husband of the prosecutrix came and at that time the applicant hid in the pillow cot and thereafter he was caught.
7. Taking into consideration the facts and circumstances of the case and further considering the statement of the prosecutrix, without any 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