

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7099 of 2016

- Vikram S/o Shri Sabhapati Pandey, Aged About 24 Years R/o In front of Aakash Provision Stores, Panchwati Nagar, Police Station Pandri, Raipur District Raipur Chhattisgarh --- **Petitioner**

Versus

- The State of Chhattisgarh Through Police Station Pandri, Raipur, District Raipur Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Maneesh Sharma, Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.11.2016

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. 204/2016 registered at P.S. Pandri, Raipur, District Raipur (C.G) for the offence punishable under Section 376 of IPC as per the charge sheet (376(2) as per the order sheet).
2. As per the prosecution case, on 30.07.2016, the applicant caught hold of the prosecutrix who is deaf and dumb and committed forcible sexual intercourse with her thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and the description of rape did not match with the FIR and even the medical report also do not support the commission of rape. He further submits that out of some previous enmity, the applicant has been falsely inculpated. It is further submitted that the charge sheet has been filed and the applicant is in jail since

31.07.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail and would submit that the applicant has been identified, therefore, he has committed the offence.
5. Perused the case diary and the documents. It shows that the report was made on 30.07.2016 itself and the girl was subjected to medical examination on 31.07.2016. As per the medical report, no visible mark of injury was seen on the private part and it was opined that sexual intercourse might have been tried.
6. Taking into consideration the medical report and the totality of facts and circumstances of the case especially the fact that the charge sheet in this case has been filed and applicant is in jail since 31.07.2016, 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. 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