

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7444 of 2016

- Nawal Kishore S/o Mahesh Ram, Aged About 37 Years R/o Karadih, Police Station Narayanpur District Jashpur Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Raghunathnagar District Balrampur Chhattisgarh

--Respondent

For Applicant : Mr. Shakti Raj Sinha, Advocate

For Respondent/State : Mr. Wasim Miyan, 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 20-04-2016 in connection with Crime No. 68 of 2008, registered at Police Station Raghunathnagar, District Balrampur (CG) for the offence punishable under Section 376 of the IPC.
2. As per prosecution case, a report was made by the prosecutrix that on 22-11-2008 when she went to answer the call of nature, at that time the applicant along with other co-accused persons has committed the forcible sexual intercourse with her and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the prosecutrix has been examined before the court below and she has completely denied the presence of the applicant and turned hostile, therefore, the applicant has been falsely implicated and has been wrongly arrested. He would further submit that the charge-sheet

has been filed in this case, he is in jail since 20-4-2016 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, however, he does not dispute the fact that the prosecutrix has been examined and she has not supported the prosecution case.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statement of the prosecutrix wherein she has denied the presence of the applicant.
7. Taking into consideration the facts and circumstances of the case and further considering the statement of the prosecutrix, without any observation on the merit 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