

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7533 of 2017**

Arun Singh Chouhan S/o Kripal Singh Aged About 27 Years R/o Irrigation Colony, Police Station Gandhi Nagar, District Surguja Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station, Gandhi Nagar, District Surguja Chhattisgarh.

---- Respondent

For the Applicant : Shri Jitendra Shrivastava, Advocate.
For the Respondent/State : Shri Sumit Jhanwar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****14.12.2017**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 328 of 2017, registered at Police Station Gandhi Nagar, District Surguja, Chhattisgarh for the offence punishable under Sections 376 and 506 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. The age of the prosecutrix had been more than 18 years on the date of incident i.e. in the year 2011. The prosecutrix submitted herself willingly to the applicant to have physical relationship with him and the FIR was lodged after lapse of six years i.e. on 18.9.2017.

Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that there is clear and categorical statement against the applicant made by the prosecutrix and other witnesses. Hence, the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. The facts of the case as per FIR are that in the year 2011 the applicant met with the prosecutrix and on promising her that he will marry her, he had physical relationship and thereafter, he continued to exploit her sexually. On later point of time, the applicant married another girl. On 17.9.2017, the applicant entered into the house of the prosecutrix and by threatening her he committed rape with her. After lodging of FIR, the case has been registered against him.

6. Considering all the submissions and the contents of the case-diary, the fact that medical report of the prosecutrix does not show any positive result and positive opinion of the examining doctor and also considering on the circumstances under which the FIR has been lodged after lapse of six years, the application deserves to be allowed.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on 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/-

(Rajendra Chandra Singh Samant)
Judge