

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 309 of 2017

Hemant Kumar Sahu, S/on of Mulchand Sahu, Caste-Teli, aged about 29 years, R/o. Village- Nahanda, P.S. - Devri, Tahsil – Dondilohara, District-Balod (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through : Station House Officer, Police Station – Devri, District – Balod (C.G.)

---- Respondent

For Applicant	:	Mr. N.K. Chatterjee, Advocate
For Respondent	:	Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

30/01/2017

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 in connection with Crime No.148/2016, registered at Police Station- Devri, District – Balod (C.G.) for the offence punishable under Section 376, 342, 294, 506, 323, 366 of Indian Penal Code.
2. Case of the prosecution in brief is that a report was made on 04.12.2016 that the applicant from the year 2014 on the pretext of marriage committed sexual intercourse. Subsequently, the applicant, who was working in the reserver battalion police whenever came in the vacation used to commit sexual intercourse and on 10.11.2016, the applicant dragged her forcefully and committed sexual intercourse. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and the victim was in relation with the applicant. It is further submitted that the FIR is belated and no explanation has been given, charge-sheet in this case has been filed and the applicant is in jail since 05.12.2016, therefore, the applicant may be enlarged on bail.
4. Per contra, learned State counsel opposes the bail application.
5. I have heard the learned counsel appearing for the parties.
6. Perused the statement of victim recorded under Section 161 and 164 of Cr.P.C.. Taking into such statement without any further observation on merit, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge