

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 530 of 2017

- Pramod Das @ Appu S/o Jaitram Aged About 26 Years R/o Village Kasturi Gadbaguda Para Police Station Nagarnar Revenue & Civil District Bastar, Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through The Police Station Adim Jati Kalyan Jagdalpur District Bastar, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Pravin Kumar Tulsyan, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06-02-2017

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 on 2-11-2016 in connection with Crime No. 3 of 2016, registered at Police Station Adim Jati Kalyan, Jagdalpur, District Bastar (CG) for the offence punishable under Sections 450, 376, 596 of IPC and Section 3 (2)(5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Case of the prosecution, in brief, is that on 31-10-2016 a report was made by the prosecutrix that while she was alone in her house, at that time the applicant entered into her house forcefully and thereafter committed sexual intercourse with her and when she raised alarm the applicant was caught 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, it is a case of consent, a report was made against the applicant as her husband came there and false allegations have been attributed to the present applicant. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 2-11-2016 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.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the statement of the victim girl and other statements of the relatives of the victim girl and also the map of the place.
7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the statement of the victim girl, without further observation on the merits of the case, this court is 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

