

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1940 of 2017

Rajkumar Sahu, aged about 30 years, S/o. Paluram Sahu, R/o. Village-Baradwar Ward No.3, P.S. - Baradwar, District – Janjgir-Champa (C.G.).

----Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer – Baradwar, District – Janjgir-Champa (C.G.)

---- Respondent

For Applicant : Mr. Ishwar Jaiswal, Advocate

For Respondent/State : Mr. Adil Minhaj, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15/06/2017

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.10/2016, registered at Police Station – Baradwar, District – Janjgir-Champa (C.G.) for the offence punishable under Section 376 and 342 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 05.01.2016 a report was made by the prosecutrix that the present applicant who is also related to her i.e. brother-in-law has committed forceful sexual intercourse with her. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the victim has been examined before the Court below and she has not supported the case of the prosecution, therefore, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application, however, he is not able to dispute the fact that prosecutrix in this case has been examined and she has not supported the case of

the prosecution.

5. I have heard learned counsel appearing for the parties.
6. Perused the statement of the prosecutrix. Taking into such statement without any further observation on merits, 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 the Cr.P.C. is allowed.
8. It is directed that 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)
Vacation Judge