

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C No. 1999 of 2017

- Gopal Mandal S/o Subhash Mandal Aged About 32 Years R/o P.V. 130 Thana Pakhanjoor, District Uttar Bastar Kanker, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Pakhanjoor, District U.B. Kanker, Chhattisgarh.

---- Respondent

For the Applicant : Shri Parag Kotecha,
Advocate.

For the Respondent/State : Shri U.K.S. Chandel PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21.11.2017

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. 142/2016, registered at Police Station – Pakhanjoor, District – Kanker (C.G), for the offences under Section 376 (d), 506 /34, 376 (2) (n) of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and he is in jail since 07.12.2016. The prosecutrix has made false allegations against the applicant after passing of 7 months from the alleged date of commission of offence by lodging FIR against the applicant and one another. The applicant is ready to abide by all the conditions which may be imposed while granting bail to the applicant. Hence, the applicant prays for grant of bail.
3. Learned counsel for the State opposes the bail application and submits that it is the case of gang rape. The bail application of co-accused has already been rejected by the co-ordinate Bench of this Court for want of prosecution. In this situation the applicant is not entitled for grant of bail.
4. Heard counsel for both the parties and perused the case diary.
5. FIR was lodged on 06.12.2016 by the prosecutrix alleging that 7 months prior to this date, when she was alone in her residence the applicant and co-accused entered her house and committed forcible sexual intercourse with her against her consent on the point of knife. Subsequently, when the prosecutrix became pregnant, the report has been lodged.
6. Considering the submissions made by learned counsel, contents of the case diary and looking to the facts of this case, I am of the view that it is a fit case where the applicant is entitled for grant of bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. 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.

8. Certified copy as per rules.

Sd /-

(Rajendra Chandra Singh Samant)

Judge

Jamal