

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C No. 2021 of 2017

- Jitendra Patel S/o Dhajaram Patel, Aged About 22 Years R/o Village Padkipali, Police Station Saraipali, District Mahasamund, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Saraipali, District- Mahasamund, Chhattisgarh.

---- Respondent

For the Petitioner : Shri Vikash Pradhan,
Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

20.11.2017

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. 23/2017, registered at Police Station – Saraipali, District – Mahasamund (C.G), for the offences under Sections 376, 506 of Indian Penal Code and Sections 3 (2) (v) of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, 1989.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and he is in jail since 03.02.2017. As per the FIR incident took place on 11.01.2017 and then the prosecutrix travelled with the applicant for almost 08 days till 19.01.2017. After returning, FIR has been lodged on 23.01.2017, under the pressure of her family members. Prosecutrix is aged about 22 years, hence, she had been a consenting party in this case, hence, it is prayed that the applicant be enlarged on bail.
3. Learned counsel for the state opposes the bail application and submission made in this respect.
4. Heard counsel for both the parties and perused the case diary.
5. As per the contents of FIR, when the prosecutrix had gone answer the call of nature on the date of incident, the applicant forcefully committed sexual intercourse with her, thereafter, the applicant and the prosecutrix left for Allahabad in train where the applicant continued to exploit the prosecutrix sexually. The prosecutrix was brought back on 19.01.2017, thereafter, on 23.01.2017, the FIR has been lodged.
6. Considering the submissions and contents of the case diary and looking to the facts of this case that the prosecutrix age is 22 years. 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.
8. It is directed that the applicant shall be released on bail on 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 /-
(Rajendra Chandra Singh Samant)
Judge

Jamal