

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2229 of 2017

- Omprakash Verma S/o Ramesh Verma, Aged About 21 Years R/o Village Bhothi, Police Station Jalbandha, Tahsil- Khairagarh, District- Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Out Post Jalbandha, Police Station Khairagarh, District Rajnandgaon Chhattisgarh

---- Respondent

For Applicant : Mr. Mahesh Pandey, Advocate
For Respondent : Mr. Anant Bajpai, Panel Lawyer

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.11/2017, registered at Police Station- Khairagarh, District – Rajnandgaon (C.G.) for the offence punishable under Sections 376, 323 and 506 of Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that the applicant, who is in jail since 14.01.2017, has been falsely implicated in this case by the prosecutrix, who is 50 years old aunt of the applicant. He further submits that the applicant and the prosecutrix used to consume liquor together everyday. FIR had been lodged by the prosecutrix under pressure. The trial of the case is likely to take some time. In these circumstances, the applicant be enlarged on bail.

3. Learned State counsel opposes the prayer for grant of bail, however, he would submit that the prosecutrix not only in the FIR lodged by her but also in her statement recorded under Section 161 of CrPC has stated in categorical terms against the applicant. It is further submitted that the applicant had brutally assaulted the prosecutrix and caused ten injuries on various parts of her body, which is evident from her medical report. Thus, the applicant is not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. As per the case against the applicant, on the date of incident between 8 and 9 pm, applicant came to the house of the prosecutrix, had drinks with her and also had meals with her. Thereafter, when the prosecutrix went to asleep, the applicant came there, assaulted and caused injuries to the prosecutrix and committed rape with her. FIR has been lodged on the very next day i.e. on 13.1.2017.
6. Taking into consideration the facts and circumstances of the case, in particular the medical report showing various injuries on the body of prosecutrix but no injury was found on her private part and further considering that no purpose would be served in keeping the applicant in jail for the whole period of trial, this Court is of the view that present a a fit case where 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.

Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha