

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3618 of 2017

Dilip Kumar Singh S/o Shivnarayan Singh Aged About 28 Years R/o Occupation Service(Lab Technician) Cast Gond(Adivasi), Village Patratoli(Salka), Police Station Darima, District Surguja, Chhattisgarh

---- Petitioner

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Officer, Police Station Lakhanpur, District - Surguja, Chhattisgarh

---- Respondent

For the Petitioner : Shri Jitendra Shrivastava,
Advocate.

For the Respondent/State : Shri Anant Bajpai, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23.10.2017

1. Heard on application under Section 439 of Cr.P.C.
2. 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.62/2017 registered at Police Station - Lakhanpur, District- Surguja, Chhattisgarh for the offence punishable under Section 376 of the Indian Penal Code.

3. It is submitted that applicant has been falsely implicated. Applicant and prosecutrix both are in service in the health department. As per the allegation made by prosecutrix, the incident of rape took-place 1 year prior to lodging of FIR and thereafter, a number of times, applicant and the prosecutrix have met and have performed sexual intercourse and assurance was given by the applicant that he will marry the prosecutrix. It is submitted that it is a clear case of consent, hence, he is entitled to be enlarged on bail.
4. Learned counsel for the State opposes the application and the submission made in this respect and submits that the offence against the applicant is grievous in nature, hence, he is not entitled to be enlarged on bail.
5. I have heard the learned counsel for the parties and perused all the documents placed on record and the case diary.
6. FIR lodged on 20.04.2017 in which the date of incident is mentioned between 10.04.2016 to 08.04.2017 as alleged that FIR first incident took place on 10.04.2016, when applicant forcefully raped the prosecutrix, thereafter, he assured her that he will marry her. On the basis of assurance prosecutrix submitted for sexual intercourse on various occasions. The case has been investigated and charge-sheet has been filed. Looking to the facts and circumstances of this case it appears to be a fit case in which the applicant is entitled to be enlarged on bail.
7. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on bail on his furnishing personal bond for a sum of Rs.

25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his appearance as and when directed.

8. C.C. as per rules.

Sd /-

(Rajendra Chandra Singh Samant)

Judge

Jamal