

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3716 of 2017

- Hemdas Vaishnav S/o Malik Das Vaishnav, Aged About 42 Years, R/o. Thakurkanpa, P. S. Hirri, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through : Station House Officer, Police Station Hirri, District Bilaspur, Chhattisgarh.

---- Non-applicant/Respondent

For Applicant – Shri Shailendra Dubey, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24-10-2017

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant. The applicant held arrested on 25-04-2017 in connection with Crime No.85/2017 registered at P.S. Hirri, District Bilaspur, C.G. for the offence under Section 376, 506 of the IPC.

2. It is submitted on behalf of the applicant by learned counsel for the applicant that the applicant has been falsely implicated by the prosecutrix. As per the contents of the FIR, the incident took place in the month of Savan of the previous year. The prosecutrix kept mum for almost one year. The applicant had to realize some dues from the husband of the prosecutrix, Shiv Kumar Vaishnav. On making demand of repayment, Shiv Kumar Vaishnav threatened the applicant to implicate him in some false case by lodging a report through her wife, the prosecutrix. The applicant made a written complaint of this incident to S.P. Bilaspur on 07-02-2017, on the basis of which said Shiv Kumar Vaishnav was arrested under Section 151 of the Cr.P.C. Thereafter, the applicant again submitted a written complaint, on the basis of which FIR was recorded against the husband of the prosecutrix under Section 384 of the IPC.

Thereafter, deliberately the FIR has been lodged by the prosecutrix against the applicant on 24-07-2017 falsely implicating him in this case. Hence, it is prayed that the applicant may be enlarged on bail.

3. Learned counsel for the State/non-applicant objects to the submission made and submits that the prosecutrix has given clear and categorical statement against the applicant, hence the applicant is not entitled for grant of bail.

4. Heard learned counsel for both the parties and perused the case diary.

5. Considering the facts and circumstances of this case and the submission made in this respect, this Court is of the opinion that this is a fit case where the applicant deserves to be enlarged on bail.

6. Consequently, the application (MCRC No.3716/2017) filed under Section 439 of the Cr.P.C. by the applicant is hereby allowed. It is directed that the 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.

7. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge