

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4604 of 2017**

Hemsingh S/o Jethuram Merawi, Aged About 27 Years Caste Gond,
R/o Sahjar Baniya, Police Station Mohgaon, District Mandla, At
Present R/o Umarjhola, Police Station Gari, District Balaghat, Madhya
Pradesh.

---- Applicant**Versus**

State Of Chhattisgarh Through District Magistrate Kabirdham, Police
Station Chilfi, District Kabirdham, Chhattisgarh.

---- Respondent

For the Applicant : Shri Devesh Chandra Verma,
Advocate.

For the Respondent/State : Shri Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****06.11.2017**

1. 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.06 of 2017, registered at Police Station – Chilfi, District – Kabirdham, Chhattisgarh for the offence punishable under Sections 376 and 506 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 28.3.2017. The applicant is innocent and has been falsely implicated in this case. Previously, the applicant had love affair with the prosecutrix and suppressing this fact, the prosecutrix has lodged a false case against the applicant. The prosecutrix is aged 32 years and the medical report does not support the case of the prosecution in any manner. Hence, it is prayed that

the applicant may be benefited with grant of bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the FIR has been lodged within a short span of time and there is some positive report from FSL against the applicant. Hence, it is prayed that the applicant is not entitled for grant of bail.

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

5. Considering the submissions made and as per the contents of the case diary, specifically the medical report of the prosecutrix no definite opinion has been given by the examining doctor, I am of the considered view that this is a fit case for grant of bail.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. It is directed that the applicant shall be released on bail on 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge