

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6039 of 2017**

Dinesh @ Golu Meshram S/o Krishna Meshram, Aged About 28 Years
Caste - Mahar, Resident Of Village Mankeshri, Police Station Kanker,
District North Bastar Kanker Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Satation
Narharpur, District North Bastar Kanker Chhattisgarh.

---- Respondent

For the Applicant : Shri D.N. Prajapati, Advocate.
For the Respondent/State : Shri Vinod Tekam, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****07.11.2017**

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.58 of 2017, registered at Police Station – Narharpur, District – North Bastar, Kanker, 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 07.04.2017 and the applicant has been falsely implicated in this case. As per the FIR, the incident took place on 1.1.2017 and the FIR was lodged on 4.4.2017 after due deliberations. The statement of the husband of the prosecutrix also clearly shows that the prosecutrix and the applicant had illicit relationship between them, based on consent of the prosecutrix. The case has been investigated and the charge-sheet has been filed. As per the

allegations of the prosecution case, no case is made out against the applicant and the trial of the case is likely to take some time for its final disposal. Hence, it is prayed that the applicant be enlarged on 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 and the statements of the prosecutrix under Sections 161 and 164 of the Cr.P.C. are sufficient evidence against the applicant to show that he has committed the offence of rape. Hence, for these reasons, he is not entitled for grant of bail.

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

5. As per the case, the applicant developed intimacy with the prosecutrix and then in absence of the husband of the prosecutrix, he came to her residence on 1.1.2017 when she was all alone in her home and on that occasion the applicant forcefully without the consent of the prosecutrix had sexual intercourse with her by threatening her. Thereafter, the applicant kept threatening the prosecutrix and again had sexual intercourse with her on 3 to 4 occasions. After lodging of FIR, the case has been registered and the charge-sheet has been filed.

6. Considering the submissions made and the contents of the case diary and the statement of the witnesses under Section 161 of the Cr.P.C. I am of the considered view that this is a fit case where the applicant should be enlarged on bail.

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

8. 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