

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6467 of 2017

- Digambhar Rajwade S/o Mohanram Rajwade, Aged About 32 Years, Caste Rajwar, R/o Irti Dondhipara, Police Station Pratappur District Surajpur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through AJAK Surajpur, District Surajpur Chhattisgarh.

---- Non-applicant

For Applicant – Shri A.K. Prasad, Advocate.

For Non-applicant/State – Shri U.K.S. Chandel, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05-12-2017

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 for regular bail. The applicant was arrested on 13-06-2017 in connection with Crime No.13/2017 registered at P.S. AJAK Surajpur, District Surajpur, C.G. for the offence under Section 376, 506/34 of the IPC and Section 3(1)(B) and Section 3(2)(V) of the SC and ST (Prevention of Atrocities) Act.
2. It is submitted on behalf of the applicant that the applicant is innocent and has been falsely implicated in this case. The prosecutrix in this case has been consenting party throughout and no offence has been committed as alleged by the prosecutrix. It was only when the applicant refused to marry the prosecutrix, she has lodged the false FIR against him out of revenge. Hence, it is prayed that the applicant may be granted bail.
3. Learned counsel for the State/non-applicant opposes the

application and submission made in this respect. It is submitted that the prosecutrix and the witnesses have 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. Facts of the case are these that a written complaint was given to IG (Police) Surguja range on 06-05-2017 alleging that the applicant had on the pretext of marrying the prosecutrix exploited her sexually on various occasions and has thus committed offence of rape, on the basis of this complaint the FIR was lodged on 13-06-2017. According to the FIR lodged, the period of incident was since 4 to 5 years prior to the date of lodging the complaint.

6. Considering on the submissions and contents of the case diary, and taking into consideration this fact that the date of birth of the prosecutrix according to the proof from the school admission register which is being relied upon by the prosecution, is 10-11-1992 which clearly shows that she was major when the alleged offence was committed, this Court is of the considered view that this is a fit case where the applicant should be granted bail.

7. Consequently, the application (MCRC No.6467/2017) 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil