

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6837 of 2017**

Dashrath Singh Marabi S/o Shri Dudhnath Singh Marabi, Aged About 20 Years Occupation Agriculturist, R/o Village Urdara P.S. & Tahsil Lundra, District Surguja, Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Station Lundra, District Surguja, Chhattisgarh.

---- Respondent

For the Applicant : Shri A.N. Pandey, Advocate.
For the Respondent/State : Shri Sumit Jhanwar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****08.12.2017**

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. 38 of 2017, registered at Police Station Lundra, District Surguja, Chhattisgarh for the offence punishable under Sections 454 and 376 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. It is also submitted that the prosecutrix in this case had been a consenting party who was compelled to lodge FIR against the applicant under the pressure of her husband. The medical report is negative and shows no injury on the body of the prosecutrix, this means that the prosecutrix submitted herself willingly and as such, no case is made out against the applicant. Hence, it is prayed that the applicant may 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 statement given by the prosecutrix by itself is sufficient against the applicant. Hence, he is not entitled for grant of bail.

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

5. The incident as reported is that on the date of incident the applicant came to the house of the prosecutrix and forcefully committed rape with her, at the same time her husband arrived on the spot and thereafter, lodged the FIR.

6. Considering the submissions and the contents of the case-diary, the medical report of the prosecutrix does not show any injury on her body and the doctor has also not given any report as to any recent sexual intercourse, I am of the considered view that in this case the applicant deserves to 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