

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7848 of 2016

- Sant Kumar Das, s/o. Late Sonsai Panika, aged about 30 years, r/o village Dakai (wrongly typed as Ukai), Gram Panchayat Dakai, PS L>undra, District Surguja (Chhattisgarh).

---- Applicant

Versus

- State of Chhattisgarh Through PS AJAK Ambikapur, District Surguja, Chhattisgarh.

---- Respondent

For Applicant : Mr. Manoj Paranjpe, Advocate

For Respondent/State : Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17-01-2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 22-7-2016 in connection with Crime No.27 of 2016, registered at Police Station Ajak, Ambikapur, District Surguja (CG) for the offence punishable under Sections 376 (2)(n), 342, 506, 201, 120-B, 366 read with Section 34 of the IPC and Section 3 (2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. As per prosecution case, 20-7-2016 a report was made by the prosecutrix that on 14-7-2016 while the applicant and prosecutrix were coming back after attending the housewarming ceremony of the brother of the applicant, the applicant took her into school and forcibly committed rape on her and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the prosecutrix is married lady aged about 35 years and due to animosity in the village, false allegations have been attributed to the present applicant. He would further submit that charge-sheet has been filed, the applicant is in jail since 22-7-2016 and no further investigation is required, therefore, he may be released on bail.
4. On the other hand, State counsel opposes the bail application.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the statements of the prosecutrix and her husband.
7. Taking into consideration the facts and circumstances of the case, and further considering the statements of the prosecutrix, without further observation on the merits of the case, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju