

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 7058 of 2017

Sobhan Nagvanshi S/o Jugeshwar Nagvanshi Aged About 23
Years R/o Devi Dol, P. S. Sitapur, District Surguja Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer,
Police Station Sitapur District Surguja Chhattisgarh

---- Respondent

For the Applicant : Shri Jitendra Shrivastava,
Advocate.

For the Respondent/State : Shri A.K. Shukla, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08.12.2017

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 in connection with Crime No. 112/2017, registered at Police Station – Sitapur, District –

Surguja (C.G), for the offence under Section 376 (2) (द) of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and he is in jail since 06.06.2017. The prosecutrix has made false allegations against the applicant. The prosecutrix had been a consenting party and her age is more than 20 years. The FIR has been lodged after one year from the date of incident and there is no explanation for the delay in lodging FIR, hence, the applicant deserves to be enlarged on bail.
3. Learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the statement of prosecutrix in FIR and the statement under Section 161 Cr.P.C is clearly against the applicant that he committed offence of rape with her, hence, he is not entitled for grant of bail.
4. Heard counsel for both the parties and perused the case diary.
5. The facts of the case are these that a written complaint was given by the prosecutrix alleging that on 05.06.2017, that the applicant committed forceful sexual intercourse with her without her consent, thereafter, the applicant had sexual intercourse with the prosecutrix on several occasions with a promise to marry her. In the meanwhile, prosecutrix came to know that the applicant is negotiating to marry with some other girl because of which FIR was lodged.
6. Considering the submissions made and the contents of the case diary and further looking to the facts of this case, I am of

the view that it is a fit case where the applicant is entitled for grant of bail.

7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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

Jamal