

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7264 of 2017

- Indrapal Singh Tekam S/o Kalyan Singh Tekam Aged About 38 Years
R/o Village Utarda, Out Post Hardi Bazar, Police Station Kusmunda,
Civil And Revenue District Korba Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station
Kusmunda, Civil And Revenue District Korba Chhattisgarh

---- Respondent

For Applicant : Mr. Dharmesh Shrivastava, Advocate.

For Respondent : Mr. Arvind Kumar Shukla, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

15/12/2017

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.203/2017, registered at Police Station-Kotwali, Outpost-CSEB, Korba, District– Korba (C.G.) for the offence punishable under Sections 376 & 506 of Indian Penal Code (for short 'IPC') and Section 4 of Protection of Children From Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated by the prosecutrix in this case. Applicant is working as MATE under MNREGA programme, the prosecutrix had requested to the applicant to include her name in MNREGA list to which he refused because of which the prosecutrix

has lodged false FIR against the applicant. Applicant is in jail since 17.10.2017, hence, it is prayed that he may be granted with regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that FIR against the applicant was lodged on 16.10.2017 and the statement of prosecutrix was clear and categorical against the applicant and the age of prosecutrix is below 18 years. Hence, he is not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. Brief facts of the case are these, that on the date of incident applicant offered the prosecutrix to take her to Deepika in Banki Mongra. While coming back applicant stopped in the Jungle and then threatening the prosecutrix committed forcibly sexual intercourse with her without her consent and willingness. On the information given by prosecutrix, the case has been registered.
6. Considering the submissions made, contents of the case diary. Specifically taking into consideration the medical report of the prosecutrix, I am of the opinion that present is a fit case where applicant should be benefited with 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