

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 8257 of 2016

Ankit Kumar Gupta S/o Late Vijay Prasad Gupta, aged about 22 years
Caste Teli, R/o Village And Post Durgapara, Police Station And Tahsil
Baghicha, District Jashpur, Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh through : the Police Station : Ajak, Ambikapur,
Surguja, District Surguja, Chhattisgarh

---- Respondent

For Applicant : Mr. Pushpendra Ku. Patel, Advocate

For Respondent/State : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/01/2017

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 in connection with Crime No.15/2016, registered at Police Station – Ajak, Ambikapur, District – Surguja (C.G.) for the offence punishable under Sections 363, 366, 376 (ॢ), 365, 368, 342, 344, 506-B, 323, 114, 109 of IPC and Section 3 (2-5) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. As per the prosecution case, a report was made by the prosecutrix that on 21.03.2016 she went to discharge her duty of Pulse Polio programme, at that time, the present appellant came there and took

her to the forest and committed rape on her. Thereafter, the applicant kept her in his house for about 17 days wherein he further committed rape on the prosecutrix.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated. He submits that the prosecutrix is a major lady, she herself accompanied with the applicant and stayed with him and there was a relationship with the applicant, therefore, prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Perused the statement of the prosecutrix under Section 161 and 164 CrPC. Taking into consideration such statement, without any further observation on merits, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. 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/-
(Goutam Bhaduri)
Judge