

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 8355 of 2016

1. Om Prakash Sahu @ Kamando, S/o. Punaram Sahu, aged about 36 years, R/o. Durga Nagar, Birgaon, Raipur, Tahsil and District – Raipur (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station – Chhavani, Bhilai, District – Durg (C.G.)

---- Respondent

For Applicant	:	Mrs. Indira Tripathi, Advocate
For Respondent/State	:	Mr. Avinash K. Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/01/2017

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.273/2016, registered at Police Station – Chhavani, Bhilai, District – Durg (C.G.) for the offence punishable under Section 376, 450 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by the prosecutrix on 02.05.2016 that in the intervening night of 30.04.2016 and 01.05.2016 some person entered in her house and on the point of knife, committed forceful intercourse. Subsequently, the applicant was arrested on 02.08.2016 and he was identified by the prosecutrix.
3. Learned counsel for the applicant would submit that as per statement of the prosecutrix, the applicant had covered his face, which is evident from statement recorded under Section 161 and 164 of Cr.P.C.,

therefore, identification which is alleged to have been conducted is completely false, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary, documents and statement of the prosecutrix, wherein it is stated that she is aged about 65 years and the person who have committed rape had covered his face. Considering the statement of the prosecutrix and FSL report, without any further observation on merits, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge