

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8590 of 2016

- Ajay Jaiswal S/o Ramcharittar Jaiswal, Aged About 23 Years R/o Hardibahra, Police Station - Raghunathnagar, Balrampur, District Balrampur Ramanujganj Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through The Incharge, Outpost Balangi, District Balrampur - Ramanujganj Chhattisgarh

---- **Respondent**

For Applicant : Mr. D.N. Prajapati, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09-01-2017

1. This is first bail application filed under Section 439 of the Cr.P.C., for grant of regular bail to the applicant who has been arrested on 28-11-2016 in connection with Crime No. 59 of 2016 registered at Outpost, Balangi, PS Raghunath Nagar, District Balarampur (CG) for the offence punishable under Sections 376, 342 & 506 of the IPC.
2. Case of the prosecution, in brief, is that on 12-11-2016 a report was made by the prosecutrix that on 5-11-2016 when she was going to meet her relative, at that time the applicant who was at the outside, caught hold of her, forcibly took her into room and thereafter committed forcible rape on her and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, the way in which the story has been narrated would show that false allegations have been attributed to the applicant and otherwise she was a consenting party. He would further submit that charge-sheet has been filed, the applicant is in jail since 28-11-2016 and no further investigation is necessary, therefore, he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail application
5. I have heard learned counsel for the parties, perused the case diary and documents .
6. Perused the statement of the prosecutrix and also the map.
7. Taking into consideration all the facts and circumstances of the case and furthering considering the statement of the prosecutrix and the map, without further observation on the merits of the case, I am inclined to release the applicant on bail.
8. Accordingly, the 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 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju