

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8635 of 2016

- Vikash Burman S/o Radhe Shyam Burman, Aged About 29 Years
R/o Camp-2, Power House, Bhilai, District- Durg Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through- Station House Officer, Police
Station- Jamul, District- Durg Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Pushkar Sinha, Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

12-01-2017

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 on 10-12-2016 in connection with Crime No. 648 of 2016, registered at Police Station Jamul, District Durg (CG) for the offence punishable under Sections 450, 376, 294, 323 and 506 of the IPC.
2. Case of the prosecution, in brief, is that 9-12-2016 a report was made by the prosecutrix that on 21-11-2016 she was alone in her house, at that time the applicant entered into her house and committed forcible rape on her by pointing his knife at 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, prosecutrix is a married lady aged about 26 years and there has been some

difference between the prosecutrix and her husband, the prosecutrix wanted to marry the present applicant and medical report does not support the prosecution case. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 10-12-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the statement of the prosecutrix and also map of the incident which shows that the house where incident happened is adjacent to other houses.
7. Taking into consideration the facts and circumstances of the case and further considering the statement of the prosecutrix and map of the incident, without further observation on the merits of the case, I am inclined to release the applicant on bail.
8. Accordingly, the bail 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 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju