

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 665 of 2018

- Sukhsel Xalxo S/o Kanwar Sai, Aged About 25 Years, R/o Rampur, Police Station Chalgali, District Balrampur, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Chalgali, District Balrampur, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Sanjeev Verma, Advocate.

For Non-applicant/State – Shri Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26-03-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 29-05-2017 in connection with Crime No.36/2017 registered at P.S. - Chalgali, District Balrampur, Chhattisgarh for the offence under Section 376(2)(द), 506(B), 450 of the IPC.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 29-05-2017. In the case before the trial Court, the prosecutrix has been examined and she has not made any statement against this applicant regarding the offence of rape alleged to have been committed by him. Hence, it is prayed that the applicant may be released on bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the FIR lodged by the prosecutrix, this applicant after acquaintance with the prosecutrix started frequenting her house and then on

numerous occasions he committed rape with the prosecutrix. Hence, the investigation has been done and charge sheet has been filed against this applicant.

6. Considered on the submissions made and contents of the case diary.

7. Considered on the material present in the case diary and also perused the certified copy of the statement of the prosecutrix before the Court. She is a major lady and she has been declared hostile by the prosecution for not supporting the case of prosecution, hence, looking to this change of circumstances, I am of this view that this applicant should be released on bail during pendency of the trial against him.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. 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 Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge