

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 461 of 2018**

Pushpraj Kurre, S/o. Dhunari @ Laxman Kurre, Aged About 25 Years, R/o. Chakla, Outpost Chilfi, P.S. Lormi, District -Mungeli, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : Station House Officer Of Police Station -Lormi, District Mungeli, Chhattisgarh.

---- Respondent

For Applicant : Mr. Pallav Mishra, Advocate

For State/respondent : Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****20/03/2018**

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.411/2017, registered at Police Station – Lormi, Out Post - Chilfi, District – Mungeli (C.G.), for the offence punishable under Section 376 and 506 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case and no case is made out against the applicant on the basis of the material present in the charge-sheet. The FIR is delayed by six days and as per the statement of the witnesses, it appears that prosecutrix was a consenting party.

Applicant is in jail since 09.10.2017. Presently the case is before the trial Court and the trial is likely to take some time for its completion. Therefore, it is prayed that the applicant may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that prosecutrix has made clear statement that she was raped and she was not a consenting party. She and her husband both were threatened by this applicant because of which they get afraid and FIR was lodged with some delay. Hence, no case is made out for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The allegation against this applicant is this that in the intervening night of 29-30.09.2017 at about 1.30 AM past midnight, the prosecutrix had come out of her house to urinate, it was at that time, the applicant caught hold of her hand and dragged her to his own house, where he forcefully raped her. After 15-20 minutes during the said commission of offence, the husband of the prosecutrix arrived at the spot and saw the applicant and his wife in objectionable condition. It is alleged that applicant threatened the prosecutrix as well as the husband of the prosecutrix not to disclose about the incident to anybody else and threatened with dire consequence.
6. Considered on the submissions made and the contents of the case diary and also perused the medical report of the prosecutrix in this case. Considering on the entire material present in the case diary and taking into consideration all these things, 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge