

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 136 of 2018

- Ramsharan S/o Govind, Aged About 23 Years, R/o Village Sulsuli, P. S. Trikunda, District Balrampur-Ramanujganj Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Trikunda District Balrampur-Ramanujganj Chhattisgarh , Chhattisgarh

---- Non-applicant

For Applicant – Shri Vikash Pandey, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

14-03-2018

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 03-11-2015 in connection with Crime No.116/2015 registered at P.S. Trikunda District Balrampur-Ramanujganj, Chhattisgarh for the offence under Section 376, 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 and the prosecutrix were acquainted with each other and had love affair, but because of the pressure given by family members, the prosecutrix has lodged the false FIR against this applicant. The prosecutrix has been examined before the trial Court, in which, she has admitted in her cross-examination some suggestions given by counsel for this applicant, on that basis it can be held that the applicant has been falsely implicated. 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. The case of the prosecution is this, that on the date of incident 01-11-2015 at about 8.00 p.m. in night, when the prosecutrix was taking bath behind her house, it was at that time this applicant caught hold of her and by pulling her towards the fields he forcefully committed rape with her. The FIR was lodged on the very next day and on that basis the case was registered against this applicant. Hence, this case.

6. As the applicant has relied upon the statement of the prosecutrix, hence perused the certified copy of the statement of the prosecutrix before the concerned trial Court. It cannot be said that the prosecutrix has turned hostile before the concerned trial Court. No opinion can be given by this Court regarding quality of the statement of the prosecutrix. It is in the domain of the concerned trial Court to determine the truthfulness of the statement given by the prosecutrix, hence for these reasons, I am not inclined to grant bail to the applicant.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby dismissed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge