

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C No. 132 of 2018

- Ramjivan Xalxo S/o Setram Uraon, Aged About 28 Years R/o Village Dhodhagaon, P. S. And Tahsil Seetapur District Surguja Chhattisgarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Seetapur District Surguja Chhattisgarh, Chhattisgarh.

---- Respondent

For the Applicant : Shri Vineet Kumar Pandey,
Advocate.

For the Respondent/State : Shri Vinod Tekam, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13.03.2018.

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 in connection with Crime No. 323/2017, registered at Police Station –Seetapur District – Surguja (C.G), for the offences under Section 450, 376 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case by the prosecutrix, because of some dispute between the prosecutrix and her brother-in-law. Prosecutrix herself filed an application stating that she has no objection if the applicant is granted bail before concerned Sessions Court supported with an affidavit. Which was not taking into consideration by the said Court. On the basis of material present in the charge-sheet, no case is made out against the present

applicant, he is in jail since 01.11.2017, hence, it is prayed that he may be released on bail.

3. Learned counsel for the State opposes the bail application and submits that there is clear allegation against this applicant made by the prosecutrix in her own statement under Section 161 and 164 of Cr.P.C, hence, this applicant is not entitled for grant of bail.
4. Heard counsel for both the parties and perused the case diary.
5. It is alleged that on the date of incident when the prosecutrix was alone in her residence the applicant entered her house and committed forcible sexual intercourse with her. After lodging of FIR the case has been registered against this applicant.
6. Considered on the submissions, contents of the case diary and also perused the certified copy of the application along-with affidavit filed by the prosecutrix before the concerned Sessions Court expressing no objection by her, looking to the facts and the pendency of the trial, I am of the view that it is a fit case where the applicant is entitled for grant of bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. 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.

Sd /-

(Rajendra Chandra Singh Samant)

Judge

Jamal