

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 411 of 2018

- Suresh Ram Gangeshree S/o Munnaram Gangeshree, Aged About 33 Years Caste Gond, R/o Village Badokachhar, Police Station Kunkuri, Tahsil Kunkuri, District Jashpur Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kunkuri, District Jashpur Chhattisgarh , Chhattisgarh

---- Respondent

For Applicant	:	Mr. J.K. Saxena, Advocate.
For Respondent/State	:	Mr. N.K. Mehta, 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.98/2017 registered at Police Station– Kunkuri, District– Jashpur(C.G.) for the offence punishable under Sections 341, 376 (२)(२) & 506(B) of the Indian Penal Code.
2. Learned counsel for the applicants submits that applicant is innocent and has been falsely implicated in this case. It is submitted that prosecutrix in this case is a major girl and capable for giving consent for sexual relationship. The physical relation between the

applicant and prosecutrix have been based on consent. It is further submitted that the date of incident as reported is 30.10.2016 whereas FIR lodged on 24.7.2017, after the prosecutrix gave birth to a female child, hence, no case is made out regarding the commission of offence of rape by this applicant. Hence, he is entitled for grant of bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that prosecutrix in this case is a handicapped lady, who has been exploited sexually by this applicant. Hence, he does not deserve to be granted bail.
4. Heard both the parties and perused the case diary.
5. FIR has been lodged on 24.7.2017 by the prosecutrix alleging, that applicant committed rape with her on 30.10.2016 and thereafter he on various occasions had forceful sexual relation with the prosecutrix, consequent to which she became pregnant. Without disclosing about the incident and pregnancy, this prosecutrix went to her sister in Bombay where she gave birth to a female child and subsequent to that she informed about the incident to her parents. On learning about the incident, a meeting was called in which applicant refused to marry prosecutrix bluntly, hence, the FIR was lodged.
6. Considered on the entire material present in the case diary and taking into consideration the nature of the case and the evidence that is proposed against this applicant to prove this case against him, for this reason, I am of this view that applicant should be released on regular bail during the pendency of the trial against him.
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 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

Nisha