

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C No. 278 of 2018

- Basant Baiga Son Of Gangadhari Baiga, Aged About 21 Years R/o Village Rend, Police Station Janakpur, District Korea, Chhattisgarh., Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station- Janakpur, District Korea, Chhattisgarh., Chhattisgarh.

---- Respondent

For the Applicant : Shri Anil Gulati, Advocate.

For the Respondent/State : Shri Anil S. Pandey, GA.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

14.03.2018

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. 75/2017, registered at Police Station – Janakpur, District – Korea, (C.G), for the offences under Section 376 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the prosecutrix has made false allegation against this applicant after passing of 20 days from the alleged date of commission of offence by lodging of FIR against the applicant, for which there is no sufficient explanation given by the prosecutrix, hence, no case is made out against this applicant. The applicant is in jail since 27.07.2017 and ready to abide by all the conditions which may be imposed while granting bail to the applicant, hence, it is prayed that the applicant 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, on the basis of statement under Section 164 of Cr.P.C given by the prosecutrix before the JMFC, hence, he is not entitled for grant of bail.
4. Heard counsel for both the parties and perused the case diary.
5. FIR was lodged on 26.07.2017 by the prosecutrix alleging that on 01.07.2017, when she was alone in her residence this applicant took her in the forest and committed forcible sexual intercourse with her. Thereafter, the prosecutrix went to the house of her husband's brother and informed about the incident to the wife of brother of his husband. Later on she met with her husband and narrated the story, thereafter, she lodged the FIR. The investigating Officer has not taken care to examine of the wife of Bhima with whom the victim met with soonafter the incident.
6. Considering the submissions made by learned counsel, contents of the case diary and the fact that the present applicant is a local resident of District- Korea and looking to the pendency of the trial, I am of the view that it is a fit case where the applicant should be released on 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