

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 451 of 2018**

Samaru Ram Banjare S/o Late Bajgang Das Banjare Aged About 60 Years
R/o Village Funda, Tahsil Dhamdha, P.S. Bori, District Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The District Magistrate Durg, District Durg,
Chhattisgarh.

---- Respondent

For the Applicant : Shri Rudranath Mukherjee, Advocate.
For the Respondent/State : Shri Aditya Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****22.03.2018**

Heard.

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.79 of 2017, registered at Police Station – Bori, District – Durg, Chhattisgarh for the offence punishable under Sections 376, 506 and 456 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 28.9.2017 and has been falsely implicated in this case. The prosecutrix in this case is aged about 40 years and she was a consenting party. The cause of lodging FIR against this applicant was only that all of sudden the husband of the prosecutrix came back to his house and found

the applicant and his wife in a compromising condition, that also shows the delay in lodging the FIR. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that no case is made out for grant of regular bail to the applicant.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, on 22.9.2017, the applicant forcefully entered into the house of the prosecutrix and finding her alone threatened her and committed rape. According to statement under Section 161 of the Cr.P.C. given by the prosecutrix, her husband who had been to market came back all of sudden and knocked the door. The applicant opened the door. Seeing the husband of the prosecutrix the applicant fled from the spot. The FIR was lodged on 28.9.2017 by the prosecutrix herself.

6. Considering the entire material present in the case-diary in support of the prosecution case, I am of the considered opinion that the applicant deserves to be released on 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi