

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7609 of 2017**

Annu Ratre S/o Shri Mukutram Ratre, Aged About 20 Years R/o Village Malhar, police Chowki-Malhar, P.S. Masturi, Civil & Revenue District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through the Station House Officer, Police Chowki-Malhar, Police Station Masturi, Civil & Revenue District Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Paras Mani Shriwas, Advocate.
For the Respondent/State : Shri Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****31.01.2018**

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. 443 of 2017, registered at Police Station Masturi, District Bilaspur, Chhattisgarh for the offence punishable under Section 376 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant is in jail since 18.10.2017 and has been falsely implicated in this case. The applicant is a local resident of District Bilaspur and he is ready to abide by all the conditions imposed on him. 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

there is clear statement of witnesses against the applicant. Hence, for this reason, he is not entitled for grant of bail.

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

5. On the date of incident when the prosecutrix had gone out to answer the call of nature, it is alleged that the applicant forcefully took her to nearby shrub and then without her willingness and consent committed rape with her. When brother-in-law of the prosecutrix came on the spot, the applicant fled from the spot. Thereafter, the FIR was lodged.

6. Considering the submissions made and the contents of the case diary, the applicant is a local resident of District Bilaspur and there shall be no difficulty in his availability during trial, I am of the considered view that no purpose would be served if the applicant is kept in detention for the whole period of trial. Hence, this application deserves to be allowed.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on her 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 her appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge