

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 984 of 2018**

- Jitendra Ekka S/o NaanSai Ekka, age-29 years, R/o Village- Marium Para, Ward No.- 02 P.S.- Balrampur, Distr.- Balrampur (Chhattisgarh).

---- Applicant

**Versus**

- State Of Chhattisgarh Through: Station House Officer, Police Station- Mohan Nagar, District- Durg (Chhattisgarh).

---- Respondent

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| For Applicant        | : Mr. Mateen Siddiqui, Advocate.        |
| For Respondent/State | : Mr. Vijay Bhadur Singh, Penal Lawyer. |

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

**Order On Board**

**10/04/2018**

1. Heard.
2. 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. 58/2017, registered at Police Station- Pasta, District – Balrampur (Chhattisgarh) for the offence punishable under Sections 376 & 450 of the Indian Penal Code.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case, the applicant is in jail since 23.09.2017, he has not committed any offence. The applicant has been identified only on the basis of one Scooty bearing Registration No.-CG-15CR1921 of which he was the registered owner and this scooty has also been seized from his possession at the place of his own residence. Surprisingly, one photograph of this applicant has been found on the spot of occurrence of

which no explanation has been given that how this photograph had reached there, hence applicant has a good case to defend himself at the time of trial at the concerned Court. Hence, it is prayed that applicant be enlarged on regular bail.

4. Learned State counsel opposes the bail application and submits that the statement of the prosecutrix and one witness of the incident is clearly against this applicant, hence, he is not entitled for grant of regular bail.
5. Heard both the parties and perused the case diary.
6. According to the prosecution case, that the complaint made by the prosecutrix on 23.09.2017, it is stated that on 22.09.2017 at about 7.00pm in the evening one unknown person forced his entry into the house of the prosecutrix and forcefully raped her, thereafter, when that unknown person was fleeing-away the prosecutrix came out and saw one Scooty was going away in front of her house, thereafter she noted the number of that Scooty. And also prosecutrix was found a photograph lying outside her house, after seeing that photograph, she identified the applicant, no TIP has not been conducted in this case during investigation.
7. Considering on the entire material present in the case diary, I am of this opinion that applicant should be benefited with grant of regular bail.
8. 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 Court, for his appearance as and when directed.

Sd/-

**(Rajendra Chandra Singh Samant)**  
Judge