

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 7722 of 2017**

- Ashwani Chandrakar S/o Kartik Ram Chandrakar, Aged About 29 Years, R/o Machhali Market, Puraina, Police Station Purani Bhilai, District Durg, Chhattisgarh , Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Purani Bhilai, District Durg Chhattisgarh , Chhattisgarh

**---- Non-applicant**

For Applicant – Shri S.K.Guha, Advocate on behalf of Shri Rajnish Singh Baghel, Advocate.

For Non-applicant/State – Shri Vivek Singhal, Panel Lawyer.

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

**Order on Board**

**23-02-2018**

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 26-10-2016 in connection with Crime No.465/2016 registered at P.S. Purani Bhilai, District Durg, Chhattisgarh for the offence under Section 323, 506(B), 376 of the IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant that the applicant is innocent and has been falsely implicated in this case. The medical examination report of the prosecutrix shows that no definite opinion has been given by the concerned doctor. The applicant is in jail since 26-10-2016 and it is also a case of delayed lodging of FIR. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submission. It is submitted that the prosecutrix had made clear statement against this applicant during investigation. Hence, no case is made out for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the case diary, the incident took place on 15-10-2016 wherein the applicant caught hold of the prosecutrix of age 16 years, when she had gone out to answer the call of nature and raped her. The FIR was lodged by the prosecutrix herself on 25-10-2016 after a lapse of 10 days.
6. Considered the submissions made and the contents of the case diary.
7. Considering on the medical examination report of the prosecutrix, in which, the doctor has opined that no definite opinion can be given regarding sexual intercourse with the prosecutrix and further looking to the result of the clinical examination of private parts of the prosecutrix, I am of this view that the applicant should be released on bail during pendency of the trial against him.
8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-  
**(Rajendra Chandra Singh Samant)**  
**Judge**