

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7372 of 2017

1. Abhijeet Singh S/o Surjeet Singh Gumber, Aged About 37 Years, R/o Gurunank Chowk, Ward No. 22, Kawardha, District Kabirdham Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Kawardha, District Kabirdham Chhattisgarh , Chhattisgarh

---- Non-applicant

For Applicant – Shri Satish Chandra Verma, Advocate.

For Non-applicant/State – Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15-01-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant for regular bail. The applicant has been arrested on 05-09-2017 in connection with Crime No.258/2017 registered at Police Station Kawardha, District Kabirdham, C.G. for the offence under Section 376 read with Section 34 of the IPC and Section 03(1)(12) and 03(2)(05) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is submitted on behalf of the applicant that the applicant is innocent and he has been falsely implicated in this case. The FIR in this case has been lodged after the pregnancy of the prosecutrix had advanced upto 7 months. No case is made out against the applicant on the basis of material in the prosecution case. 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 made. It is submitted that the prosecutrix in this case is a mentally retarded person who used to work in the hotel/restaurant of the applicant and she was also a beggar by profession. The applicant has taken

advantage of her mental status and committed sexual intercourse with her which amounts to offence of rape. Hence, the applicant is not entitled for grant of bail.

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

5. As the case is, the FIR was lodged by the administrator of Sakhi One Stop Centre, Woman and Child Development Department, District Kabirdham, according to which, the prosecutrix informed that about 5 to 6 months prior to that date some persons had committed sexual intercourse with her, on account of which, she has become pregnant. There is statement of the prosecutrix that the applicant is one of the accused persons who has taken advantage of her mental status.

6. Considered on the submissions made and contents of the case diary.

7. Taking into consideration the facts and circumstances of this case and that the applicant is local resident of District Kabirdham, his availability before the trial Court can be ensured, only for these reasons, this Court is the view that the applicant should be enlarged on regular bail in the present matter.

8. Consequently, the application (MCRC No.7372/2017) filed under Section 439 of the Cr.P.C. by the applicant 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