

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1056 of 2018**

Shoulendra @ Sonu Singh, S/o. Bhagwat Singh Parmar, Aged About 29 Years, Occupation -Agriculturist, R/o. Village Roose, Chowki Dashrangpur, District -Kabeerdham Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station Pipariya, Chowki -Dashrangpur, Tahsil Kawardha, District -Kabeerdham Chhattisgarh.

---- Respondent

For Applicant : Mr. P.P. Sahu, Advocate

For State/respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**16/04/2018**

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.20/2018, registered at Police Station – Pipariya, Chowki -Dashrangpur, District – Kabeerdham (C.G.), for the offence punishable under Section 376, 506 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is in jail since 20.01.2018. Recently, the charge-sheet has been filed after

completion of investigation. No case is made out against this applicant. As the applicant and the prosecutrix had consensual physical relationship as the last incident was witnessed by the brother-in-law of the prosecutrix, hence, the false FIR has been lodged implicating the applicant. Hence, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, the prosecutrix aged about 35 years and is married. It is alleged that about more than two months prior to lodging of FIR, the applicant was having forceful sexual intercourse with the prosecutrix on number of occasions and on one occasion, when the applicant was having sexual relationship with the prosecutrix, this act was witnessed by brother-in-law and sister-in-law of the prosecutrix. Thereafter, the FIR was lodged.
6. Considered on the submissions made and the contents of the case diary. On going through the material present in the case diary and the nature of evidence i.e. proposed against this applicant, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram