

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6420 of 2017**

Chandrabhan Singh S/o Chain Singh, Aged About 30 Years Caste Gond, R/o Village Charvahi, Post Office & Police Station Kelhari, District Koriya, Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Kelhari, District Koriya, Chhattisgarh.

---- Respondent

For the Applicant : Shri Shivendu Pandya, Advocate.
For the Respondent/State : Shri Vijay Bahadur Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****09.01.2018**

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. 32 of 2017, registered at Police Station Kelhari, District Koriya, 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 22.5.2017 and he has been falsely implicated in this case. The prosecutrix is a major lady of 25 years of age and the medical evidence does not support the story of rape. The applicant 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 *prima facie* there is evidence against the applicant that he has forcefully raped the prosecutrix, hence, he is not entitled for grant of bail.

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

5. Considering the submissions and the contents of the case-diary, the fact that the applicant is local resident of District Koriya, his availability before the trial Court shall not be compromised if he released on bail and the trial against the applicant is likely to take sometime for its final disposal, I am of the considered opinion that the applicant deserves to be released on bail.

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

7. 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 local surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge