

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6870 of 2017

- Firoj Khan @ Mohd. Ismile S/o Karim Khan, Aged About 26 Years, R/o Sarai Singar, Outpost Hardi Bazar, Police Station Kusmunda, District Korba, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through: Station House Officer, Police Of Police Station Ajak, Korba, District Korba, Chhattisgarh.

---- Non-applicant

For Applicant – Shri C.K. Kesharwani, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11-01-2018

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 24-08-2017 in connection with Crime No.06/2017 registered at P.S. Ajak, Korba, District Korba, C.G. for the offence under Section 376 of the IPC and Section 3(2) (v A) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. It is submitted on behalf of the applicant that the applicant is innocent and has been falsely implicated in this case. The applicant and the prosecutrix had love affair between them, on account of which the applicant had intention to marry to the prosecutrix. Thereafter, they had physical relationship based on consent. The prosecutrix is a major lady and capable of giving consent. On account of some dispute and differences, lastly the prosecutrix approached police Station CSEB Korba for lodging FIR, on which, the information under Section 155 of the Cr.P.C. was given to her that no offence is made out. Subsequent to that,

this FIR was lodged on 28-03-2017 alleging the offence of rape falsely. The applicant is in jail since 24-08-2017. He is ready to abide by all the conditions imposed on grant of bail. 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.

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

5. The case against the applicant is this, that the applicant on the basis of false promise to marry the prosecutrix got her submission for physical relationship and sexual intercourse and then he has committed rape with her on several occasions.

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

7. Considering on the fact that age of the prosecutrix had been above 18 years on the date of offence as alleged and the material on the record available in the case diary, I am of this view that this is a fit case where the applicant is entitled for grant of bail.

8. Consequently, the application (MCRC No.6870/2017) 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