

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7273 of 2017

- Pankaj Thakur S/o Shri Basant Thakur, Aged About 24 Years, R/o Jaltaraipara, Ward No.21, Rewadih, Rajnandgaon, P.S. Lalbagh, Gramin, Tahsil & District Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate Rajnandgaon, Chhattisgarh

---- Non-applicant

For Applicant –Shri P.K.C.Tiwari, Senior Advocate with Shri Ashutosh Trivedi, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02-01-2018

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 was arrested on 22-10-2017 in connection with Crime No.356/2017 registered at P.S. Lalbagh, District Rajnandgaon, C.G. for the offence under Section 376 and 417 of the I.P.C.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The fact is that the applicant and the prosecutrix had developed love relationship prior to February, 2017. On the date of incident, i.e., 21-09-2017 the prosecutrix who is a major woman of 30 years having two children willfully submitted for physical relationship with the applicant. Thereafter, she accompanied the applicant on her own free will on 30-09-2017 and when the applicant refused to marry the prosecutrix, the prosecutrix came back and has lodged the false FIR against the applicant. The applicant is in jail since

22-10-2017. 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 contents of the FIR and the statement under Section 161 of the Cr.P.C. given by the prosecutrix are clearly against the applicant. Hence, he is not entitled for grant of regular bail.

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

5. Facts of the case are these, that the applicant was tenant to the husband of the prosecutrix. Love affair had developed between the prosecutrix and the applicant prior to divorce of the prosecutrix. As alleged, the applicant committed forceful sexual intercourse with the prosecutrix on 21-09-2017 without her consent and willingness and again he forced on 30-09-2017 to submit herself for sexual intercourse to the applicant and thereafter he did not turn up on being called by the prosecutrix, because of which, the FIR was lodged on 13-10-2017.

6. Considered on the submissions made and contents of the case diary. Taking into consideration this fact that charge sheet in this case has been filed and trial of the case is likely to take some time before its conclusion and considering on the overall situation of this case, I am of this view that this is a fit case where the applicant should be granted regular bail.

7. Consequently, the application (MCRC No.7273/2017) 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge