

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2112 of 2018**

Santosh Kumar Patre S/o Chand Kumar Patre Aged About 33 Years Caste-
Satnami, R/o- Village Tower Mohalla, Pali, P.S. Pali, District- Korba,
Chhattisgarh., District : Korba, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- P.S.- Pali, District- Korba, Chhattisgarh.,
District : Korba, Chhattisgarh.

---- Respondent

For the Applicant : Shri Arun Kochar, Advocate.
For the Respondent/State : Shri Aditya Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****05.04.2018**

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.17 of 2018, registered at Police Station – Pali, District – Korba, Chhattisgarh for the offence punishable under Sections 376 and 506 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 4.2.2018 and he has been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed. The prosecutrix in this case is a major lady aged about 25 years and she had been a consenting party. Only because their relation was discovered, false FIR was lodged. 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 the prosecutrix has made clear allegation in her statement under Sections 161 and 164 of the Cr.P.C. Hence, the applicant is not entitled for grant of regular bail.

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

5. The allegation against this applicant is that he had lended Rs.500/- to the prosecutrix and on that pretext, he used to visit her and rape her on number of occasions without her consent and willingness between 28.12.2017 and 17.1.2018. The FIR was lodged on 4.2.2018 by the prosecutrix. Hence, this case.

6. Considering the material present in the case diary and presently, the case is before the trial Court after filing of the charge-sheet and also considering on the evidence that is proposed to be presented before the trial Court, I am of the considered view that this is a fit case for grant of 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi