

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2237 of 2018

- Alfon S/o Nahiha Uraon Aged About 35 Years R/o- Village Maharanipur, Police Station- Sitapur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Sitapur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

 For Applicant : Shri V.K. Pandey, Advocate
 For Respondent/State : Shri Rajendra Tripathi, Panel Lawyer

Hon'ble Shri Justice Ram Prasanna Sharma
Order On Board

04/05/2018

1. Heard the matter finally.
2. This is the first application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 52/2003 in S.T.No.93/2017, registered at Police Station Sitapur, District Surguja (CG) for the offence punishable under Section 376 of the IPC.
3. As per the case of prosecution on 12.4.2003, at about 11.30 pm, when the prosecutrix was going towards the field to answer the call of nature, the applicant committed rape on the prosecutrix.
4. Learned counsel for the applicant submits that the prosecutrix has been examined on 8.2.2018 and she has not supported the version of prosecution. Material witnesses have been examined but, there is nothing to connect the applicant with the crime. He submits

that the applicant is arrested on 15.6.2017 and the trial may take some time, therefore, he may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.

6. Perused the entire material available on record.

7. Considering the facts and circumstances of the case, particularly considering that the prosecutrix is examined and she has not supported the version of the prosecution, I am inclined to release the applicant on bail.

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

9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.20,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.

10. Certified copy as per rules.

Sd/

(Ram Prasanna Sharma)
JUDGE