

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 2453 of 2018

- Santosh Pardhi S/o Lakhan Pardhi Aged About 24 Years R/o- Sagni, Nandani, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Ghumka, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh.

---- Respondent

For the Applicant : Shri Aditya Bhardwaj,
Advocate.

For the Respondent/State : Ms. Smita Ghai, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15.05.2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No.184/2017, registered at Police Station –Ghumka, District –Rajnandgaon, (C.G), for the offence under Section 376, 506 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and he is in jail since 26.12.2017. Totally a false case has been registered against this applicant. In this case the prosecutrix is a major girl and she was a consenting party. The FIR was lodged on 6th day from the date of

incident and explanation given about delay is not satisfactory. Apart from that, the story of the prosecution appears to be improbable, therefore, it is prayed that the applicant may be enlarged on bail.

3. Learned counsel for the State opposes the bail application and submits that the prosecutrix in her statement under Section 161 and 164 of Cr.P.C made clear allegation against the applicant, hence, he is not entitled for grant of bail.
4. Heard counsel for both the parties and perused the case diary.
5. The case against the applicant is this that on the date of incident at about 2:00 to 2:30 AM, before sun rise when the prosecutrix came out to urinate, the present applicant caught hold of her and at the point of a blade, he took her to another place, where he committed rape with her. On 6th day from the date of incident the FIR was lodged against this applicant.
6. Considered on the submissions made by learned counsel and the contents of the case diary. The sufficiency of the explanation about the delay in lodging of FIR shall be determined before the trial Court. Further the prosecutrix is a major lady on the date of incident and also on perusal of the medical examination report of prosecutrix, I am of the view that it is a fit case, where the applicant should be granted bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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