

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2627 of 2018**

Mohammad Thafeul, S/o. Sarfuddin, Aged About 21 Years, R/o.- Ranpur Khurd, Ward No. 07, P.S. Ambikapur, District- Surguja, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- The Station House Officer, Police Station AJAK, Ambikapur, District- Surguja, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Jitendra Shrivastava, Advocate
For State/respondent	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**17/05/2018**

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.4/2018, registered at Police Station – AJAK, Ambikapur, District – Surguja (C.G.), for the offence punishable under Section 376 of the Indian Penal Code and Section 3 (2-5) and 3 (2) (V-क) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this. The prosecutrix is age of 19 years, hence capable of giving consent. Prosecutrix is habitual of lodging false FIR. She had earlier lodged FIR against one Rajendra Das on 10.07.2017 making similar allegation and this is a similar case in which the prosecutrix has claimed about having pregnancy but the medical report does not speak of any pregnancy of the prosecutrix. Hence, it is totally false and concocted case. Therefore, it is prayed

that, the applicant may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, on 07.02.2018, the prosecutrix met with this applicant on being called by him and thereafter, he committed rape with her. FIR has been lodged on 09.02.2018 to days after the incident, hence this case.
6. Considered on the submissions made and the contents of the case diary. Considered on the entire material present in the case diary, as the prosecutrix in this case is a major girl, FIR is delayed and also the medical report does not show any injury in the body of the prosecutrix, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on 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 local surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge