

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7834 of 2017

- Roopsai S/o Sohara Aged About 40 Years R/o Chanchi, P. S. Rajpur, District Balrampur Ramanujganj Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Rajpur, District Balrampur Ramanujganj Chhattisgarh, Chhattisgarh

---- Respondent

For Applicant : Mr. Jitendra Shrivastava, Advocate.

For Respondent/State : Mr. Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

22/02/2018

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. 154/2017, registered at Police Station- Rajpur, District – Balrampur(C.G.) for the offence punishable under Section 376 of Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case on account of enmity by the procutrix. As alleged, that date of incident is 1.10.2017 whereas the FIR has been lodged on 27.10.2017, after lapse of more than 25 days. Further, the prosecutrix herself has given application stating, that she has no objection in grant of bail to the applicant and supported by her affidavit. Certified copy that application and affidavit has been filed along with his application. Hence, under these circumstances, it is prayed that

applicant be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that prosecutrix has made a clear statement against the applicant about the commission of offence of rape, hence, he is not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. As alleged, on the date of incident, applicant caught hold of the prosecutrix on the spot of incident and forcefully committed rape with her. Prosecutrix did not reveal about this incident as she was in panic, but later on she informed her husband and other relatives about the incident and, thereafter, FIR has been lodged.
6. Considered.
7. The application stating no objection of the prosecutrix has been considered and rejected by the concerned Sessions Court, but the fact remains that such application was filed supported with affidavit purported to be sworn by the prosecutrix/complainant of this case, hence, under these circumstances, I am of this view that this is a fit case where applicant should be released on regular bail during the pendency of the trial against him.
8. Accordingly, the first 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 their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha