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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2944 of 2018**

Rambilas Sahu S/o Bhanwarlal Sahu Aged About 34 Years Occupation Cultivation, R/o Village Umeshwarpur, Police Station Premnagar, Tahsil And District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Premnagar, Tahsil And District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh

---- Respondent

For the Applicant : Shri Ashok Kumar Shukla, Advocate.
For the Respondent/State : Shri Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****18.06.2018**

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. 27 of 2018, registered at Police Station Premnagar, District Surajpur, Chhattisgarh for the offence punishable under Sections 354 and 458 of the Indian Penal Code and Section 3(1)(w) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

2. Learned counsel for the applicant submits that the applicant is in jail since 7.4.2018 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. In fact the victim in this case has been a consenting party and when the brother-in-law of the victim came to the spot,

the incident was discovered. A false FIR has been lodged by the victim against the applicant. 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.

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

5. According to the prosecution case, on 1.4.2018, when the victim was alone in her house the applicant forcefully entered into her house and then outraged her modesty. Hence, this case.

6. The statement of the witnesses disclose that there were other eye-witnesses also when the incident was taking place and subsequent to that, FIR was lodged. After due consideration on all the material present in the case-diary, I am of the considered opinion that the applicant deserves to be released on 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