

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3049 of 2018

- Daneshwar Lohendra alias Dannu S/o Chamru Ram, Aged About 23 Years, Caste Gada, R/o Kamta, Tahsil, Police Station Doundi Lohara, District Balod, Chhattisgarh, District : Balod, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House In-charge, Tahsil & Police Station Daundilohara, District Balod, Chhattisgarh, District : Balod, Chhattisgarh

----Non-applicant

For Applicant – Shri V.G. Tamaskar, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26-06-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 13-01-2018 in connection with Crime No.06/2018 registered at P.S. - Daundilohara, District Balod, Chhattisgarh for the offence under Section 376(2), 354(क) (ग) of the IPC and Section 5(ठ)/6 of Protection of Children from Sexual Offences Act, Section 3(ब)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in custody since 13-01-2018. No case is made out against this applicant. The allegation made by the prosecutrix is totally false, vexatious and misleading because she had made allegations against more than one person about sexually exploiting her. The age of the prosecutrix was also more than 18 years on the date of incident. Hence, it is prayed that the applicant may be enlarged on regular bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that there is sufficient evidence regarding commission of offence of

rape, according to the statement given by the prosecutrix in the investigation of the mater. Hence, no case is made out for grant of bail.

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

5. According to the prosecution case, a written complaint was given by the prosecutrix to Police Station Daundilohara stating that in February 2017 this applicant approached and made proposition for physical relation and then had sexual intercourse with her. She has also alleged that one Harishchand Sahu also made similar proposition and later on she had physical relation with one Suresh Chakradhari. On account of having physical relation with this applicant and Suresh Chakradhari she became pregnant. The FIR has been lodged on 11-01-2018 on the basis of this complaint.

6. Although the age of the prosecutrix is shown to be 17 years on the date of incident, but, according to the submission made above, the age of the prosecutrix appears to be debatable and also looking to the nature of allegation and multiple statement of the prosecutrix herself, I am of this opinion that it is a fit case for grant of regular bail to this applicant.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge