

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3481 of 2018**

Shekh Anawar, S/o. Shekh Gffarar, Aged About 37 Years, R/o.- Village, Birjhuli, Police Station- Magarlod, Tahsil- Khurud, District- Dhamtari, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through- Station House Officer, Police Station- Magarlod, District- Dhamtari, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. K.P.S. Gandhi with Mr. Lav Sharma, Advocates
For Respondent	:	Mr. Anant Bajpai, Panel Lawyer
For Objector	:	Mr. Keshav Prasad Gupta, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****17/07/2018**

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. 62/2018, registered at Police Station- Magarlod, District – Dhamtari (C.G.) for the offence punishable under Section 450, 376, 506, 324 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 16.03.2018. The prosecutrix in this case has been examined and she has not supported the case of the prosecution. Hence, it is prayed that the applicant may be enlarged on bail.
3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect.

4. Counsel for the objector also opposes the bail application submitting that no case is made out for grant of bail.
5. I have heard the learned counsel for the parties and perused the documents placed on record.
6. According to the prosecution case, this applicant forced his entry into the house of the prosecutrix and then committed the offence of rape with her. Later on he wanted to pay her money, when she refused, she was threatened with dire consequences. Hence, this case.
7. Considered the submissions made and the contents of the case diary and also perused the certified copy of the deposition sheet of the prosecutrix in this case, in which she has not supported the case of the prosecution for which she has been declared hostile. Hence, looking to the development that has taken place, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
9. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge