

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4067 of 2018**

- Kundan Nag S/o Narendra Nag, aged about 25 years, residing at village Benur Tahsil Narayanpur, District Narayanpur (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh - Through : The Police Station Benur, District Narayanpur (C.G.)

---- Respondent

For Applicant. : Shri P.K. Tulsyan, Advocate.
 For Respondent. : Shri Rahul Tamaskar, P.L.

Hon'ble Shri Justice Pritinker Diwaker**Order on Board****02/07/2018**

1. The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody since 05.05.2018 in connection with Crime No.16/2018 registered at Police Station : Benur, District Narayanpur (C.G.) for the offence punishable under Sections 354, 354(B) and 376 of IPC.
2. As per the prosecution case, the applicant is driver by profession and it is said that in the night intervening 24-25th April, 2018, he took the prosecutrix in his vehicle and committed forcible sexual intercourse upon her.
3. Learned counsel for the applicant submits that when the report was lodged, there was no allegation against the applicant for commission of rape and likewise in her

statement recorded under Section 161 Cr.P.C., the prosecutrix has not made any such allegation, however, while improving in her 164 Cr.P.C. statement, she has deposed that the applicant also committed rape upon her. He further submits that medical report of the prosecutrix has not supported the prosecution case.

4. On the other hand, State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, in particular the evidence adduced by the prosecution and his detention period, this Court is of the opinion that it is a fit case to release the applicant on bail.
7. Accordingly, the application is allowed and the accused/applicant is directed to be released on bail on his furnishing a personal bond of Rs.2,00,000/- with one surety for the like sum to the satisfaction of the concerned Court for his appearance before it as and when directed.

Sd/-

(Pritinker Diwaker)
Judge