

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4531 of 2018

- Sitaram S/o Dashrath Nishad, Aged About 32 Years, R/o Village Khairjhitti, Police Station Magarlod, District Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Applicant

Versus

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

----Non-applicant

For Applicant – Shri D.N. Prajapati, Advocate.

For Non-applicant/State – Shri Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-07-2018

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 05-04-2018 in connection with Crime No.78/2018 registered at P.S. - Magarlod, District Dhamtari, Chhattisgarh for the offence under Section 420, 506 & 376 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 05-04-2018. No case is made out against him. The prosecutrix is of age 26 years and she was a consenting party. The cover of this incident was blown up because brother-in-law of the prosecutrix saw the applicant leaving from her place. Hence, it is prayed that the applicant should be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that according to the statement given by the prosecutrix under Section 161 and 164 of the Cr.P.C., no case is made out for grant of bail.

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

5. As per the prosecution case, on the date of incident the applicant effected his unauthorized entry in the house of the prosecutrix at about 11 p.m. at night and by force committed offence of rape with her, when the applicant was leaving he was seen by her brother-in-law Tejram Sahu, because of which, he came back and hide himself in the attic. The prosecutrix then narrated the story to her brother-in-law and thereafter the FIR has been lodged.

6. Considered on the material present in the case diary and also perused the medical examination report of the prosecutrix, as there does not appear to be any sign of injury on her body, I am of this view that this is a fit case for grant of regular bail to the 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