

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4950 of 2018

- Niraj Kumar Dixena (Wrongly mentioned ad Dixen) S/o Jagdish Prasad Dixena, Aged About 21 Years, Caste Kalar, R/o Village Kerajhariya, Police Station Pali, District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Pali, District Korba Chhattisgarh, District : Korba, Chhattisgarh

----Non-applicant

For Applicant – Shri Dharmesh Srivastava, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

10-08-2018

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 25-06-2018 in connection with Crime No.167/2018 registered at P.S. - Pali, District Korba, Chhattisgarh for the offence under Section 376, 506 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 25-06-2018. No case is made out against him. The prosecutrix never complained about the incident as it is alleged to have occurred in 2012 and then in the year 2016, even after the second incident, the FIR has been lodged after passing of about two years on 19-06-2018 which shows that it is a concocted case. Hence, it is prayed that the applicant may 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, no case is made out for grant of bail.

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

5. The FIR has been lodged by the prosecutrix on 19-06-2018 alleging that when she was minor this applicant called her to his place of residence and then raped her and promised that he will marry her when she attains the age of 18 years. It is alleged that the applicant again called her in the year 2016 in his house and has raped her. Subsequent to that, the applicant has stopped meeting the prosecutrix and has refused to marry her. Hence, this case.

6. Considering on all the material present in the case diary and the fact that the lapse of time between first incident, second incident and lodging of the FIR needs explanation, for the present, I am of this opinion that this applicant should be granted regular bail.

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