

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4978 of 2018

- Virendra Sharma S/o Ganesh Sharma, Aged About 24 Years, R/o Kopedih, P.S. Somani District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. Gunderdehi, District Balod Chhattisgarh, District : Balod, Chhattisgarh

----Non-applicant

For Applicant – Ms. Aditi Singhvi Advocate.

For Non-applicant/State – Mr. Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-08-2018

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 12-01-2018 in connection with Crime No.21/2018 registered at P.S. -Gunderdehi, District Balod, Chhattisgarh for the offence under Section 366, 342, 506B, 323, 376(2)(n) of the IPC and 3(ii)(v) of 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 jail since 12-01-2018. No case is made out against him. The prosecutrix is a major girl and she had been consenting party in the physical relation that they both had together. 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 the prosecutrix has given clear statement against the applicant regarding commission of offence. Hence, no case is made out for grant of bail to this applicant.

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

5. The allegation against this applicant is this, that he abducted the prosecutrix and then by keeping her in confinement and putting her under threat and also after assaulting her, he had subjected her to physical relation by force without her consent and willingness. The prosecutrix is a member of Scheduled Castes. Hence, the offences have been registered against the applicant.

6. After due consideration on the material present in the case diary, I am of this opinion that this applicant should be granted regular bail during pendency of the case against him.

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