

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5029 of 2018

- Aadhaar Rajak S/o Barati Aged About 38 Years R/o Village Devri Police Station Bhatapara (Gramin) District (Revenue And Civil) Baloda Bazar -Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Bhatapara (Gramin) District (Revenue And Civil) Baloda Bazar -Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Sanjeev Das, Advocate
For Respondent	:	Mr. Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

07/08/2018

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. 378/2017, registered at Police Station- Bhatapara (Gramin), Civil & Revenue District – Raipur(C.G.) for the offence punishable under Section 376 of the Indian Penal Code and 4 & 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that applicant has been falsely implicated in this case. Applicant is in jail since 15.11.2017, no case is made out against him. Prosecutrix has been

examined before the trial Court and she has not supported the prosecution case. Hence, it is prayed that he may be released on regular bail.

3. Learned State counsel opposes the application and submissions made in this respect.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The allegation against this applicant is this, that on 15.11.2017 the applicant called the prosecutrix to his house and then committed the offence of rape. Subsequent to that he raped the prosecutrix about 4 to 5 times thereafter the FIR has been lodged in this case.
6. Prosecutrix has been examined before the trial Court and she has not supported the prosecution, as it appears from the certified copy of her deposition filed by the applicant, hence, after due consideration, I am of this view that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge