

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5159 of 2018

Khemu Dhobi, S/o. Sukhdev Dhobi, Aged About 39 Years, R/o. Village Mudipar, P. S. Somni, Tahsil And District Rajnandgaon Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, P. S. Somni, Tahsil And District Rajnandgaon Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Aaditya Bhardwaj, Advocate
For Respondent	:	Mr. Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

13/08/2018

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.59/2018, registered at Police Station- Somni, District – Rajnandgaon (C.G.) for the offence punishable under Section 376 & 506 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 21.04.2018. No case is made out against him according to the material present in the charge-sheet. The prosecutrix in this case is major lady of age more than 20 years and she was a consenting party. Further the prosecutrix herself appeared before the Sessions Court for making statement of no objection by filing such application supported with an affidavit, which is mentioned in the order-sheet of the Sessions Court. Hence, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. The case against the applicant is this that on the date of incident, this applicant invited her for tea and then forcefully raped her. FIR has been lodged on the same day. Hence, this case.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and also perused the documents on record, the order rejecting the bail application by the Sessions Court mentions about the appearance of the prosecutrix before that Court and expressing her no objection in grant of bail. Certified copy of her application and affidavit filed is also attached along with this bail application. Hence, considering on this development of things, this Court is of the opinion 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.
8. It is directed that the applicant shall be released on bail on his 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge