

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5198 of 2018**

Abhijeet Majhi S/o Net Ram Majhi Aged About 22 Years R/o Village Borsi,
Police Station Birra, Tahsil Janjgir, District Janjgir Champa, Chhattisgarh.,
District : Janjgir-Champa, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station
Gharghoda, District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh.

---- Respondent

For the Applicant : Shri Keshav Prasad Gupta, Advocate.
For the Respondent/State : Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****13.08.2018**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.130 of 2017, registered at Police Station – Gharghoda, District Raigarh, Chhattisgarh for the offence punishable under Sections 376, 451 and 511 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant is in jail since 05.07.2018 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The prosecutrix is a major lady aged about 24 years. The fact is that the applicant and the prosecutrix had an affair because of which, the husband of the prosecutrix has filed a complaint in

police station about the conduct of his wife on which, no action has been taken. The FIR in this case is delayed. Hence, for these reasons, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.

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

5. The case against the applicant is that on 22.7.2017 finding the prosecutrix alone in her house, he forced his entry into the house of the prosecutrix and then putting her under threat he attempted to rape her. It was at the same time her husband came back. Subsequent to that, the FIR has been lodged.

6. Considered all the material present in the case-diary. After due consideration of all the aspects present in the case, I am of the considered opinion that the applicant deserves to be released on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on furnishing a personal bond in the 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. In case any default is committed by the applicant/s in appearing

before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi