

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5436 of 2018

- Thakur Singh S/o Sewak Ram Aged About 27 Years R/o Nawapura Khurd Tikrapara, Police Station Darima, District Surguja, Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Darima, District Surguja, Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

For Applicant	:	Mr. Anurag Singh, Advocate.
For Respondent	:	Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

08/08/2018

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. 118/2018 registered at Police Station– Darima, District– Surguja (C.G.) for the offence punishable under Sections 450, 376 & 307 of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against him. The fact is this that applicant and prosecutrix were in love with each other and as both of them were seen together by the

grandmother of the prosecutrix, the family members of the prosecutrix themselves have attempted to throttle her and thereafter a totally false FIR has been lodged against this applicant. It is further submitted that the prosecutrix has been examined before the trial Court and perusal of statement of prosecutrix would reveal that there are several contradictions, omissions and discrepancies in her statement which make her testimony unreliable and unbelievable. Hence, it is prayed that he may be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that according to the material present in the case diary, no case is made out for grant of bail. Further it is submitted that the prosecutrix has not been declared hostile in the trial Court and it is normally within the domain of the Court to scrutinize the statement of the witnesses. Hence, the application be rejected.
4. Heard both the parties and perused the case diary.
5. The case against the applicant is this, that on the date of incident when the prosecutrix was in her courtyard the applicant came there and committed rape with her. After committing the offence of rape, the applicant made an attempt to cause her death by throttling her, as a result of which she became unconscious. Later on, the prosecutrix was admitted in the hospital and on her regaining consciousness, FIR was registered against the applicant at her instance. Hence, this case.
6. Taking into consideration the entire material present in the case diary, in particular the fact that now custodial interrogation of the applicant is not required, I am of this view that this is not a fit case where applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is

rejected. However, the trial Court is directed to expedite the trial against the applicant and conclude the same as early as possible.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha