

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7688 of 2018

- Narayan Netam S/o Late Shri Jethuram Netam Aged About 35 Years R/o Village Pendrwa, Thana - Bilha, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Bilha, District Bilaspur, Chhattisgarh.

---- Respondent

 For Applicant : Shri Rohit Sharma, Advocate
 For Respondent/State : Shri Vivek Sharma, Govt. Advocate

Hon'ble Shri Justice Ram Prasanna Sharma
Order On Board

16.11.2018

1. Heard the matter finally.
2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.124/2018 in Special Criminal Case No.116/2018, registered at Police Station Bilha, District Bilaspur (CG) for the offence punishable under Sections 450, 376 of the IPC.
3. As per the case of prosecution before 2 days of Holi Festival, the applicant found the victim alone in her house and forcibly raped her by locking the door from inside and threatened her.
4. Learned counsel for the applicant submits that the victim/prosecutrix has improved her version at different stages. In her earlier version she stated that the incident took place 2 days before the Holi Festival, but in her supplementary statement she deposed that the

incident took place in the month of December, 2017. He submits that the applicant has been falsely implicated in the case and he is in jail since 27.5.2018; the trial may take some time, therefore, he may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.

6. Perused the entire material available on record.

7. Considering the facts and circumstances of the case, particularly considering that the prosecutrix has improved her version at different stages and report was lodged after test of pregnancy which was found positive, I am inclined to release the applicant on bail.

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

9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.

10. Certified copy as per rules.

Sd/

(Ram Prasanna Sharma)
JUDGE