

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6993 of 2017**

Haidar Ali, S/o. Shri Kamar Ali, Aged About 35 Years, R/o. Kashmiri Para Khuntapara, Ward No. 1 Dongargarh, District -Rajnandgaon Chhattisgarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station Anusuchit Jati Kalyan Rajnandgaon, District -Rajnandgaon, Chhattisgarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Samir Singh, Advocate

For Respondent/State : Mr. Vijay Bahadur Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**23/01/2018**

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.03/2017, registered at Police Station – Anusuchit Jati Kalyan Rajnandgaon, District – Rajnandgaon (C.G.) for the offence punishable under Section 376 (2), 506 Part -II & 342 of Indian Penal Code and Section 3 (1) (x) & 3 (2) (v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (as per charged framed).

2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix in this case is 33 years old married woman. The prosecutrix suffered sprain in ankle because of which, applicant helped her to drop at her house and he stayed there to help her. In the meanwhile, physical relationship took place in between them on the consent of the prosecutrix. On subsequent dates as well, physical relationship took place between the applicant and the prosecutrix on the basis of her consent. FIR has been lodged deliberately after concoction on 29.07.2017, alleging in it that the applicant has committed sexual intercourse with her after putting her under fear and by threatening her with dire consequences, which is totally improbable story, therefore, it is prayed that the applicant be granted regular bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the statement of the prosecutrix clearly shows, that prosecutrix was constantly put under fear and was threatened by the applicant to kill her husband and children to get her submission, hence there is sufficient material, therefore, applicant is not entitled for grant of bail,
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The case has been briefly stated above.
6. Considered the submissions made and the contents of the case diary. Taking into consideration the number of occasions during which the alleged incident has taken place and lodging of FIR after 7 months, 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 the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge