

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 7225 of 2017

- Bhuneshwar Kenwat S/o Shri Basant Ram Kenwat Aged About 40 Years R/o Village Potka, Police Station Udaypur At Present R/o Jamgala Talapara Police Station Lakhanpur District Surguja Chhattisgarh, Chhattisgarh.

----Applicant

Versus

- State Of Chhattisgarh Police Station Lakhanpur , District Surguja Chhattisgarh. , Chhattisgarh.

---- Respondent

For the Applicant : Ms. Soniya Kuldeep, Advocate.

For the Respondent/State : Shri Vinod Tekam, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15.01.2018

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.76/2017, registered at Police Station – Lakhanpur, District –Surguja (C.G), for the offence under Section 376 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and he is in jail since 30.05.2017. The age of the prosecutrix is 19 years and the

FIR was lodged after a delay of 02 days and further it is submitted that the medical report also does not support the prosecution theory, therefore, it is prayed that the applicant may be enlarged on bail.

3. Learned counsel for the State opposes the bail application and submits that the prosecutrix in her statement of under Section 161 and 164 of Cr.P.C made clear allegation against the applicant, hence, he is not entitled for grant of bail
4. Heard counsel for both the parties and perused the case diary.
5. The case against the applicant is this that on the date of incident when prosecutrix was all alone near the river when the applicant caught hold of her and committed forceful sexual intercourse with her, therefore, the FIR was lodged.
6. Considering the submissions made by learned counsel, contents of the case diary and facts and circumstances of this case and that the case is pending before the trial Court, I am of the view that it is a fit case where the applicant is entitled for grant of bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. 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.

Sd/-

(Rajendra Chandra Singh Samant)

Judge