

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7535 of 2017**

Rika Karma, S/o. Sonu Karma, Aged About 31 Years, R/o. Village Karka,
Police Station -Darbha, District Jagdalpur, Bastar, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Police Station Parpa, District : Bastar
(Jagdalpur) Chhattisgarh.

---- Respondent

For Applicant : Mr. Kishore Narayan, Advocate

For Respondent/State : Mr. Aditya Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**29/01/2018**

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.150/2017, registered at Police Station – Parpa, District – Bastar (Jagdalpur) (C.G.) for the offence punishable under Section 376, 506, 323 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against him. The medical examination report of the prosecutrix clearly mentions that no opinion was given regarding commission of offence of rape. Hence, 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 submission made in this respect. It is submitted

that FIR has been lodged promptly after occurrence of the incident and the injury found on the body of the deceased also supports the prosecution case, hence he 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 of the prosecution in brief is that, the prosecutrix has lodged an FIR that on the date of incident that the applicant by using force on her and by threatening her committed rape with her.
6. In the MLC report, doctor though has found injuries on the face of the prosecutrix, but no injury was found on her private part and even hymen was found intact, because of which no opinion was given regarding commission of offence of rape. Taking into consideration the facts and circumstances of the case, 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