

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 7549 of 2017**

- Devendra Ekka S/o Syamlal, Aged About 25 Years R/o Village Karra, P.S. Rajpur, District Balrampur-Ramanujganj, Chhattisgarh, Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Police Station Rajpur, District Balrampur-Ramanujganj, Chhattisgarh, Chhattisgarh

**---- Respondent -**

---

For Applicant : Mr. Akath Kumar Yadav, Advocate.  
For Respondent : Mr. Vivek Singhal, Panel Lawyer.

---

**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 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 110/2017, registered at Police Station- Rajpur, District – Balrampur Ramanujganj(C.G.) for the offence punishable under Sections 342, 506, 376(2)n of the Indian Penal Code(for short 'IPC').
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case. The prosecutrix is a major woman of age 24 years and she had been a consenting party in the incident. No case is made out against the applicant according to the material present in the prosecution case. Hence, it is prayed that applicant be enlarged on regular bail.
3. Learned State counsel opposes the bail application and submissions

made in this respect. It is submitted that there is clear statement of witness against the applicant regarding commission of offence, hence, he is not entitled for grant of regular bail.

4. Heard both the parties and perused the case diary.
5. As the case is, the incident took place on 22.8.2017, when applicant called the prosecutrix on mobile phone in the night saying that he has bitten by a snake. When prosecutrix went to his house, she was locked inside and raped by the applicant a number of times. When prosecutrix came back to her house, she narrated the story to her in-laws and her husband and after deliberation, a written complaint was given in the concerned police-station on 26.8.2017 on the date of FIR has been lodged.
6. Considered.
7. Taking into considered this fact that the call record collected in the investigation, shows calls made by the prosecutrix to the applicant, during the day time on three occasions and that delay in lodging of FIR needs to be explained sufficiently. For this reason, I am of this view that applicant deserves to be benefited with the grant of regular bail.
8. 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 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