

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7775 of 2017**

Dinesh Kumar, S/o. Dharampal, Aged About 30 Years, R/o. Village Korja,
Police Station -Lakhanpur, Tehsil- Lakhanpur, District -Surguja Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station
Lakhanpur, District -Surguja, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Shakti Raj Sinha, Advocate
For Respondent/State	: Mr. Ashok Kumar Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****20/02/2018**

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.186/2016, registered at Police Station – Lakhanpur, District – Surguja (C.G.) for the offence punishable under Section 363, 376, 342 of Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The story given by the prosecutrix is totally improbable and implied consent of the prosecutrix is reflected from each of the facts narrated by her. In fact, the prosecutrix has willingly accompanied and was a consenting party. The age of the prosecutrix was 19 years at the time of incident, hence,

no case is made out. Hence, it is prayed that the applicant may be enlarged on regular 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 the prosecutrix herself has lodged FIR naming the applicant and making clear allegation against him. Hence, prima-facie case is made out against him, hence, it is prayed that the applicant may not be released on bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Case of the prosecution in brief is that on 22.09.2016, applicant forced the prosecutrix to sit on his motor cycle and then took her to Jungle and raped her and thereafter took the prosecutrix in poultry farm and by keeping her in confinement, he raped her again. On 23.09.2016, applicant by force took the prosecutrix in a train to Shahdol and by changing train from Shahdol, he took her to Rajasthan, where they stayed for 8 days, he again exploited the prosecutrix sexually. It is stated by the prosecutrix that she made her escape on 13.10.2016 after coming back informed her parents and then lodged the FIR.
6. Considered the submissions made and the contents of the case diary. Looking to the narration given by the prosecutrix about the incident that has taken place at length and that prosecutrix had exposure of various occasion to make a complaint, but she has not done so, hence for this reason, 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

Balram