

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 7870 of 2017

- Pitambar Das @ Pritam Das S/o Late Madandas, Aged About 32 Years R/o Caste Panika, R/o Village Petla P. S. Sitapur, District Surguja Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sitapur, District Sarguja Chhattisgarh, Chhattisgarh.

---- Respondent

For the Applicant : Mr, Shakti Raj Sinha,
Advocate.

For the Respondent/State : Shri Vijay Bhadur Singh, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26.02.2018

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.114/2017, registered at Police Station –Sitapur, District – Surguja, (C.G), for the offences under Sections 450 and 376 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He is in jail since 09.06.2017. The trial of the case is likely to take some time for its conclusion, and the applicant is local resident of District – Surguja, and ready to abide by all the conditions which may be imposed while granting

bail to the applicant, therefore, It is prayed that the applicant may be released on bail.

3. Learned counsel for the State opposes the bail application and submissions made in this respect.
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 the prosecutrix had been to answer the call of nature in toilet in her house, suddenly the present applicant entered inside the toilet and caught hold the prosecutrix and committed rape with her. On raising alarm husband of the prosecutrix arrived on the spot and the applicant ran away from there.
6. Considered on the submission made and contents of the case diary, after examination of the medical report and other statements given by the witnesses, this Court is of the opinion that this 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