

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 33 of 2018**

Ramsagar Singh S/o Late Shri Khorasingh, Aged About 30 Years R/o Nawapara Khurd, Police Station Darima, Tahsil Ambikapur District Sarguja Chhattisgarh, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Darima, District Sarguja Chhattisgarh., Chhattisgarh.

---- Respondent

For the Applicant : Shri R.R. Soni, Advocate.
For the Respondent/State : Shri Aditya Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****09.04.2018**

Heard.

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.60 of 2017, registered at Police Station – Darima, Sarguja, District – Sarguja, Chhattisgarh for the offence punishable under Sections 376, 354 and 506 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 08.05.2017 and he has been falsely implicated in this case. The prosecutrix is a major lady aged about 26 years. According to the FIR, the first incident took place about one month prior to lodging of FIR on 7.5.2017 regarding which, no complaint was made by the prosecutrix and according to the statement given by the husband of the prosecutrix, he came to know

about the prior incident on 2.5.2017. The story of offence committed on 7.5.2017 is concocted for falsely implicating this applicant. 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 submissions made in this respect. It is submitted that in this incident there is one eye-witness of the offence of rape committed by this applicant and apart from that, despite the adulthood of the prosecutrix she is not a consenting party. Hence, no case is made out for grant of regular bail to the applicant.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, one month prior to date of filing of FIR on 7.5.2017, the applicant had forcefully raped the prosecutrix. Subsequent to that, on 7.5.2017 when the prosecutrix had been to fetch water from hand-pump she was caught hold by the applicant who was making a demand for physical relation and on refusal by the prosecutrix, he outraged the modesty of the prosecutrix and he went away by threatening her. After lodging of FIR, the case has been registered.

6. The credibility of the witnesses in this case shall be determined by the trial Court at the stage of evidence and there is direct evidence against the applicant. Hence, no case is made out for grant of regular bail to the applicant.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi