

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 30 of 2018

- Bharat Lal Sahu S/o Chamar Ram Sahu, Aged About 34 Years, R/o Village Aako, Thana Bagnadi, District Rajnandgaon Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Thana Bagnadi, District Rajnandgaon Chhattisgarh, Chhattisgarh

---- Non-applicant

For Applicant – Shri Samir Singh, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-03-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 16-06-2017 in connection with Crime No.25/2017 registered at P.S. Bagnadi, District Rajnandgaon, Chhattisgarh for the offence under Section 376(2) of the IPC and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated in this case. The prosecutrix is a major woman of 25 years of age, according to the prosecution case itself. The prosecutrix and the applicant had physical relationship of more than 6 months before lodging of the FIR, which itself shows that the prosecutrix was consenting party throughout. Hence, no case is made out against this applicant. The applicant is in jail since 16-06-2017. Hence, it is prayed that the applicant may be released on bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that on the first date of incident the applicant committed forcible sexual intercourse with her and thereafter the prosecutrix was compelled to

submit on subsequent events as the applicant threatened her with dire consequences. Hence, no case is made out for grant of bail.

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

5. According to the prosecution case, the prosecutrix was a married woman and had been to visit her parents when the applicant met her and committed the offence of rape with her. Thereafter, he promised the prosecutrix to marry her, because of which, she left with the applicant and stayed in Hyderabad for about four months. Later on, the applicant refused to marry the prosecutrix, because of which, she has lodged the FIR against this applicant.

6. Considered on the submissions made and contents of the case diary.

7. Considered on the entire material present in the case diary. Looking to this fact that the FIR has been lodged after sufficient long time and then the sufficient long relationship ended between the applicant and the prosecutrix, hence, I am of this view that the applicant deserves to be granted regular bail.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge