

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9482 of 2018

- Vikram Singh @ Vikki S/o Mahendra Singh, Aged About 22 Years, R/o Quarter No. 8D Street No. 32 Zone 2 Khursipar Bhilai Tahsil And Distirct Durg Chhattisgsarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate District Durg Chhattisgarh., District : Durg, Chhattisgarh

----Non-applicant

For Applicant – Shri Avinash Chand Sahu, Advocate.

For Non-applicant/State – Shri Avinash K. Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11-12-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. His first bail application was dismissed as withdrawn. The applicant has been arrested on 03-12-2017 in connection with Crime No.321/2017 registered at P.S. - Khurseepar-Durg, District- Durg, Chhattisgarh for the offence under Section 376, 450 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 03-12-2017. No case is made out against him. The prosecutrix has been examined before the trial Court and she has made admissions in favour of the applicant in her cross-examination which clearly show that she was a consenting party. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application.

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

5. In the FIR lodged against this applicant it is alleged that on the date and time of the incident this applicant trespassed into the house of the prosecutrix

and then by force committed the offence of rape with her.

6. Perused the copy of the deposition of the prosecutrix in which she has made clear admissions in her cross-examination in favour of the applicant, hence, after due consideration, and for the reason that the trial against the applicant is likely to take some time for its conclusion, I feel inclined to allow this application.

7. 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.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge