

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3604 of 2019

Satish Kumar Ratre, S/o. Dujram Ratre, Aged About 28 Years, R/o. Village Khaira (Daganiya), Police Station Sipat, District Bilaspur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Police Station - Sarkanda, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Hemant Kesharwani, Advocate
For Respondent/State	: Mr. Aditya Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

31/07/2019

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.423/2019, registered at Police Station – Sarkanda, District – Bilaspur (C.G.) for the offence punishable under Section 376, 506 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. The applicant is in jail since 03.04.2019. The age of the prosecutrix is 24 years and she had been a consenting party. The FIR has been lodged in this case only because the brother of the applicant discovered the applicant and the prosecutrix having physical

relation, which is a false FIR. Therefore, 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 submissions made in this respect. It is submitted that the prosecutrix has stated that the physical relation was made by the applicant without any consent and willingness, therefore, the applicant is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, first incident took place on 01.04.2019 and then the applicant finding the prosecutrix alone in her house committed the offence of rape with her. Thereafter, this incident occurred again and again for sometime and lastly when the applicant was having sexual relation with the prosecutrix on 28.04.2019, brother of the prosecutrix arrived on the spot and discovered the incident that was taking place. Thereafter, the prosecutrix narrated about the incident to her brother and FIR has been lodged.
6. Considered on the submissions made and the contents of the case diary. Considering that the first incident has taken place nearly about a month before and the prosecutrix disclosed about the incident only when it was discovered by her brother, therefore, under these circumstances, 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