

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4633 of 2019

- Baban Singh S/o Mansingh Gond, Aged About 20 Years, R/o Chanti, Police Station Janakpur, District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police of Police Station Janakpur, District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

----Non-applicant

For Applicant – Shri Pawan Kesharwani, Advocate.

For Non-applicant/State – Shri Neeraj Pradhan, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-08-2019

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 29-04-2019 in connection with Crime No.54/2019 registered at Police Station - Janakpur, District Koriya, Chhattisgarh for the offence under Section 324, 376 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 29-04-2019. The prosecutrix is a major woman of age about 20 years and she had been a consenting party. The prosecutrix has been examined before the trial Court and she has made admissions in her cross-examination which are in favour of the applicant. Therefore, it is prayed that the applicant may be allowed.

3. Learned counsel for the State/non-applicant opposes the application submitting that in the examination-in-chief she has clearly alleged commission of offence by this applicant, therefore, the application may be rejected.

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

5. According to the prosecution case, on the date of incident the applicant by force took the prosecutrix to a lonely place in jungle, then without her willingness and consent had sexual intercourse with her, regarding which the FIR has been lodged.

6. Perused the certified copy of the deposition of the prosecutrix filed along with the application and after consideration on the material present in the case diary, 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