

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 5266 of 2019

- Vikas Sahu, S/o Pardeshi Sahu, Aged About 19 Years, Wrongly Mentioned As Pardesh Sahu, In Impugned Order – R/o Village Jhalpa, Police Station Hirri, Tehsil and Post- Bilha, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through Station House Officer, Hirri Police Station Hirri, District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant	: Mr. Atanu Ghosh, Advocate.
For Non-applicant/State	: Mr. Neeraj Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04-10-2019

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 09.06.2019 in connection with Crime No.93/2019, registered at Police Station– Hirri, District- Bilaspur, Chhattisgarh for offence punishable under Sections 376(2), 457, 506 of I.P.C. and Section 3(2)(v) of the SC/ST Act, 1989.
2. It is submitted by learned counsel for the applicant that the applicant has not committed any offence and he has been falsely implicated in the present case. The applicant is in jail since 09.06.2019. The applicant and the prosecutrix both had a consensual relation between them and the same was discovered, therefore, the FIR has been lodged by the prosecutrix. Therefore, prayed that application be allowed.
3. Learned counsel for the State/non-applicant opposes the application

and submits that there is material evidence present against the applicant. Therefore, prayed that application be rejected.

4. Shri Amar Miri, S/o Bedram Miri is present before this Court, who appears to be the husband of the prosecutrix. He has filed an affidavit before this Court making a statement that the applicant and his wife both had a relationship between them and a false FIR has been lodged in this case. Amar Miri has been identified by the counsel appearing for the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. The FIR was lodged by the prosecutrix, that on the date of incident, this applicant after committing house trespass by putting the prosecutrix under threat he committed the offence of rape on her. Thereafter, the applicant was caught red handed by the witnesses.
7. Considering, the statements made by the husband of the prosecutrix , the other evidence and circumstances of this case, I feel inclined to grant bail to the applicant.
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

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