

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 1869 of 2020

- Rajesh Kumar Sen S/o Shri Ghanaram Sen, Aged About 50 Years R/o Maharajpur Chichola, District Rajnandgaon Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Lalbag, District Rajnandgaon Chhattisgarh

---- Non-applicant

For Applicant : Mr. Sumit Singh, Advocate.

For Non-applicant/State : Mr. Sudeep Agrawal, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03-06-2020

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 24.02.2020 in connection with Crime No.87/2020, registered at Police Station- Lalbag, District- Rajnandgaon, C.G. for offence punishable under Section 354, 342 and 376 of I.P.C. and Sections 4 and 6 of POCSO Act.
2. It is submitted by learned counsel for the applicant that the applicant is in jail since 24.02.2020 and has been falsely implicated in this case. A totally false F.I.R. has been lodged against the applicant because of the quarrel that took place between the applicant and the mother of the prosecutrix. The allegation of rape is also falsified on the basis of the medical examination report of the prosecutrix which mentions that the hymen was intact and no definite opinion has been given by the examining doctor. Therefore, no case is made out against the applicant.

Hence, it is prayed that applicant may be granted bail.

3. Learned counsel for the State/non-applicant formally opposes the application and submits that the statement of the prosecutrix and her mother given to the police under Section 161 of Cr.P.C. and before the Magistrate under Section 164 of Cr.P.C. very clearly support the prosecution case, therefore, it is prayed that his application may be rejected.
4. Heard learned counsel for the parties and perused the case diary.
5. As per the prosecution case, the applicant is practicing local medicine and also witchcraft. On pretext of giving some treatment to the prosecutrix of this case, it is alleged that he has outraged her modesty and raped her. Hence, this case.
6. After considering the material present against the applicant as informed by the learned State counsel and also on considering the medical report of the examination of prosecutrix which does not mention of any injury in her private part and also the negative opinion of the doctor, I am of this view that it is a fit case for grant of regular bail to the applicant.
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