

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3106 of 2020

- Sheetal Rajak @ Pappu S/o Radhelal Rajak, Aged About 18 Years 6 Months, R/o Ward No.37, Dabripura, Police Station Basantpur, District Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through the Police Station Basantpur, District Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

----Non-applicant

For Applicant – Shri Shaleen Singh Baghel, Advocate.

For Non-applicant/State – Shri D.P. Singh, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15-07-2020

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 21-03-2020 in connection with Crime No.68/2020 registered at Police Station - Basantpur, District Rajnandgaon, Chhattisgarh for the offence under Section 363 & 376 of the IPC and Section 4 of the POCSO Act, 2012.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The FIR lodged is false, in fact, the applicant and the prosecutrix had love affair, therefore, the mother of the prosecutrix has made false allegations against the applicant in the FIR. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the statement given by the prosecutrix under Section 164 of the Cr.P.C. is categorical against the applicant, therefore, he is not entitled for grant of bail.

4. Complainant Jameela Begam is present before this virtual Court through

Help Desk of this High Court and she has made statement that she has no objection in grant of bail to the applicant.

5. Heard the submissions and perused the documents.

6. As per the prosecution case, the applicant and the prosecutrix both had a love affair, however, on the date of incident it is alleged that this applicant forced the prosecutrix to come along with him for a ride and thereafter by taking her to a lonely place he has committed offence of rape with her.

7. Considered on the submissions and the facts of the case. As it appears that the complainant herself has no objection in grant of bail to the applicant, therefore, I feel inclined to allow this application.

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