

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7822 of 2021**

- Roshan Lal Patel Son Of Dhanna Lal Patel Aged About 26 Years Resident Of Village - Mathal Dabri, Tahsil - Dongargaon, District - Rajnandgaon (Chhattisgarh)

---- Applicant

Versus

- State Of Chhattisgarh Through The Incharge, Chowki- Kandarka, Police Station - Berla, District - Bemetara (Chhattisgarh)

---- Respondent

For Applicant : Shri Manish Nigam, Advocate

For Respondent/State : Ms. Hamida Siddiqu, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****14/12/2021**

1. This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 02.07.2021 in connection with Crime No. 245/2021 registered at Police Station Chowki-Kandarka, Police Station-Berla, District Bemetara C.G. for the offence punishable under Section 376, 506 of IPC and Section 4, 6 of Protection of Children from Sexual offences Act, 2012 and Section 3(1) (b)(ii), 3 (2)(v) of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, 1989 and Section 67 of Information Technology Act.
2. As per the prosecution case, report was made on 30.06.2021 that she received phone call from mobile No. 9300093670 and some obscene words were uttered. Subsequently the same person used to call her from different phone numbers and one day the victim went to meet him

thereafter on 16.05.2021 she went to Gothan wherein against her will sexual intercourse was done and video was also made.

3. Learned counsel for the applicant submits that till the FIR was lodged the applicant was unknown to the victim and it was only through true caller the applicant has been inculpated and neither the mobile has been seized from the victim nor any other sources so as to connect the applicant with the crime. It is further submitted that it is highly improbable that a unknown person committed rape and the victim was silence for more than 45 days and the applicant has been falsely implicated, therefore the present applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail and submits that the date of incident the age of victim was less than 16 years.
5. Heard learned counsel for the parties and perused the records filed along with the petition.
6. Considering the facts and charge sheet has already been filed, I am inclined to release the applicant on bail.
7. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-
(Goutam Bhaduri)
Judge