

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7103 of 2015

1. Basant, S/o. Taran Sai, Caste-Kanvar, aged about 40 years, R/o. Village-Parsa, P.S. & Tahsil- Ambikapur, Civil & Revenue District – Surguja (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : the Station House Officer, Police Station -Ambikapur, Civil and Revenue District – Surguja (C.G.)

---- Respondent

For Applicant : Mr. Shaktiraj Sinha, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.555/2015, registered at Police Station – Ambikapur, District – Surguja (C.G.) for the offence punishable under Section 363, 366, 376, 506 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 25.09.2015 at about 7.00 PM night, the prosecutrix was to return to her village, therefore, the prosecutrix alongwith her daughter boarded motor cycle of the applicant and as per prosecution, the applicant deliberately caused accident and took the prosecutrix to his house and subsequently committed forceful sexual intercourse.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that actually it is the case of consent and the prosecutrix is a major lady

she herself accompanied with the daughter went with the applicant and because the accident happened, the matter came to light that she was travelling with the applicant and therefore, the false report has been made. He would further submit that the applicant is in jail since 04.10.2015, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. I have gone through the statement of the prosecutrix recorded under Section 161 and 164 of Cr.P.C. Considering the nature and the statement without any observation on merits of this case, for the purpose of bail, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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 trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge