

# HIGH COURT OF CHHATTISGARH, BILASPUR

## MCRC No. 5792 of 2015

Suresh Kurre, son of Shyamlal Kurre, aged about 20 years, Resident of village Shakra, Police Station. Dharshiva, District Raipur, Chhattisgarh

--- **Applicant**

### **Versus**

State of Chhattisgarh through the Police Station Dharshiva, District Raipur

--- **Non-applicant**

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|--------------------|---|-----------------------------------|
| For the applicant  | : | Mr. Arun Kochar, Advocate.        |
| For the Respondent | : | Mr. Satish Gupta, Govt. Advocate. |

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### Hon'ble Shri Justice Goutam Bhaduri

#### Order on Board

**02.11.2015**

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 257 of 2015 registered at P.S. Dharshiva, District Raipur (C.G) for the offence punishable under Sections 376, 34, 506 IPC.
2. As per the prosecution story, on 18.08.2015 a party was organized by the applicant wherein Khemupal and other persons also came there. After consuming liquor, Khemupal and applicant were talking each other. At that time, the prosecutrix was alone in the house. Subsequently Khemupal came to her house and caught hold of her and took her to a nearby dilapidated structure where he committed rape on her. Thereafter on the report of the prosecutrix, the case has been registered.
3. Learned counsel for the applicant submits that the entire allegations are against Khemupal and no allegation of rape has been attributed to the present applicant. He further submits that only the applicant has organized a party wherein Khemupal attended and went inside the house of prosecutrix, as such, Khemupal has committed offence and the applicant cannot be roped in. He further submits that the

applicant is in jail since 19.08.2015 and prays for releasing the applicant on bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. I have gone through the statement of the prosecutrix and it appears that the primary allegations of rape are against Khemupal. The statement u/s 164 Cr.P.C., also contains the same allegation and it is stated that the applicant and other accused Khemupal came on a motorcycle and the applicant was sitting on the motorcycle outside her house and Khemupal went inside and committed rape.
6. Considering the statement of the prosecutrix wherein she has made primary allegations against Khemupal and looking to the period of detention, I am inclined to allow this application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He shall appear before the said Court on each and every date till the disposal of trial.
8. Cc as per rules.

**Sd/-  
GOUTAM BHADURI  
JUDGE**