

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6132 of 2015

Joseph Lakra S/o. Kunu Lakra, aged about 25 years, R/o. of Village – Saraitola, Madanpur, Police Station- Kartala, District Korba (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station- Kartala, District Korba (C.G.)

---- Respondent

For Applicant	:-	Shri Anil Gulati, Advocate
For Respondent/State	:-	Shri Neeraj Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

30/11/2015

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. 111/2015, registered at Police Station – Kartala, District- Korba, (C.G.) for the offence punishable under Sections 376 and 506 of IPC.
2. The case of the prosecution, in brief, is that on 29.07.2015 a report was lodged that the applicant was consumed some liquors to the prosecutrix and thereafter, he committed rape on her. Subsequently, a report was made against this applicant and on the basis of the above report, the offence punishable under section 376 and 506 of IPC registered. After the investigation charge-sheet has been filed.
3. Counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case. He further submits as per medical report there is no external or internal injury found over the body of the prosecutrix and the prosecutrix was the consenting

party and she has not supported the case of the prosecution. He further submits that the applicant is in jail since 30.07.2015 and therefore, he 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. Having gone through the statement which has been placed on record and the statement wherein the prosecutrix has not supported the case of the prosecution. Considering the statement made by the prosecutrix, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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