

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 312 of 2016

Mantosh Kumar S/o. Late Gulab Panika, Aged about 30 years, R/o. Village Gaina, P.S. Raghunathnagar, District Balrampur (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through P.S. Rajpur, Distt. Balrampur (C.G.)

---- Respondent

For Applicant	:-	Mr. Bhupendra Singh, Advocate
For Respondent/ State	:-	Mr. Anil.S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

29/01/2016

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 in connection with Crime No. 129/2015 registered at Police Station- Rajpur, District – Balrampur (C.G.) for the offence punishable under Sections 366,376 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 19.08.2015 the prosecutrix went to forest at that time the applicant called her on being disclosed that she is in forest. The applicant came there and took her on his motorcycle inside the forest and subsequently, committed rape with the prosecutrix. Thereafter, the applicant taking back to Ambikapur and kept the prosecutrix in the house of his friend. Subsequently, the prosecutrix came to her mother and father and reported the matter. Thereby, the offence is committed.

3. Counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits that the prosecutrix went along with the applicant on his motorcycle on her own will. He further submits that the prosecutrix was a major land and after going through her statement it would reveal that she was consenting party. He further submits that the applicant is in jail since 23.08.2015, therefore, he may be enlarged on bail.
4. State counsel opposes prayer for grant of bail.
5. Perusal of the case diary and the statement of the prosecutrix recorded under section 161 of Cr.P.C. wherein the prosecutrix is stated to be major and she herself stated that she went along with the applicant on his motorcycle to different places, considering the fact for the purpose of bail without any observation on merit, this Court is of the opinion, that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. 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.

Sd/-

(Goutam Bhaduri)
Judge