

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2190 of 2016

1. Santosh Sharma, S/o. Shri Jamuna Sharma, aged about 32 years, Occupation-Carpenter, R/o. Mohalla Ghutarapara (Nahar-Road), P.S. and Tahsil – Ambikapur, District-Surguja (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Ambikapur, District-Surguja (C.G.)

---- Respondent

For Applicant	: Ms. Hamida Siddiqui, Advocate
For Respondent/State	: Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20/06/2016

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.162/2016, registered at Police Station – Ambikapur, District – Surguja (C.G.) for the offence punishable under Section 376 & 506 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 13.03.2016 at about 11.30 in the night, the prosecutrix went out to answer the nature's call at that time, the applicant caught hold of her and dragged her to his room and committed rape.
3. Learned counsel for the applicant submits that the prosecutrix is major lady of 28 years and she was in relation with the applicant and the way

the offence is alleged to have been committed, it can not be accepted that the prosecutrix was in oppose to the relation made and on the pressure of the family members, the report has been made, thereore, 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.
6. Perused the statement of the prosecutrix under Section 161 and 164 of Cr.P.C. In the statement under Section 164 of Cr.P.C. she has not stated about the commission of rape. Taking into the statement also under Section 161 of Cr.P.C. and the facts and circumstances of the case, I am inclined to release the applicant on 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