

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2942 of 2016

- Dipak Pali S/o Khedu Pali Aged About 23 Years R/o Village Narodhi, Police Station & Tahsil S. Lohara, Civil & Revenue District Kabirdham, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station S. Lohara, District Kabirdham, Chhattisgarh.

--- **Respondent**

For the applicant	:	Mr. Sunil Sahu, Advocate
For the Respondent	:	Mr. Sumit Jhawar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.06.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 68 of 2016 registered at P.S. S.Lohara, District Kabirdham (C.G) for the offence punishable under Section 376 IPC.
2. As per the prosecution case, on 31.03.2016 at about 11 p.m., while the prosecutrix was alone in her house the applicant entered into her house and committed sexual intercourse against her will thereby the offence is committed.
3. Learned counsel for the applicant submits that the prosecutrix is a married lady aged about 23 years and she was seen in compromising position by her mother-in-law Sukala Bai and sister-in-law and thereafter a report was lodged. He further submits that the prosecutrix was a consenting party to the entire incident and the applicant is in jail since 11.04.2016, therefore, the applicant may be released on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of prosecutrix as also the statement of mother-in-law Sukala Bai.
6. Taking into the statements of above prosecution witnesses and the way the in which offence committed and further considering the medical report, without any observation on merits, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**