

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3246 of 2016

- Sameer @ Shatrughan Sonwani S/O Shobharam Sonwani Aged About 26 Years R/O Chapeli, Police Station - Charama, District - Kanker Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through : Station House Officer, Police Station - Bango, District Korba Chhattisgarh

---- Respondent

For Applicant : Mr. Aditya Khare, Advocate

For Respondent/State : Mr. Luv Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04.07.2016

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 on 31-01-2016 in connection with Crime No. 12 of 2016, registered at Police Station Bango, District Korba (CG) for the offence punishable under Section 376 of the IPC.
2. As per prosecution case, a report was made by the prosecutrix that on 24-01-2016 the applicant took the prosecutrix nearby forest and on the pretext of marriage he has committed forcible sexual intercourse with her and subsequently the applicant refused to marry her.
3. Learned counsel appearing for the applicant would submit that as per statements recorded under Sections 161 and 164 of Cr.P.C of the prosecutrix, it would show that the prosecutrix was a major girl and was a consenting party, therefore, no offence has been committed by the applicant. He would further submit that the

applicant has been falsely implicated in the case, charge-sheet has been filed and the applicant is in jail since 31-01-2016, therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary, documents and the statements of the prosecutrix
6. Taking into consideration the facts and circumstances and further considering the statements recorded under Sections 161 and 164 of Cr.P.C, of the prosecutrix and without any observation on the merits 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 and it is directed that the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju