

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3520 of 2016

- Narayan Bhagat S/O Ganesh Ram Bhagat Aged About 30 Years Caste Uraon, R/O Village Farsabahar, Police Station Farsabahar, District Jashpur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Farsabahar, District Jashpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. J.K. Saxena, Advocate

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18.07.2016

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 13-05-2016 in connection with Crime No. 56 of 2016, registered at Police Station Parsabahar, District Jashpur (CG) for the offence punishable under Section 376 of the IPC.
2. As per prosecution case, a report was made that the applicant on the pretext of marriage had performed sexual intercourse with the prosecutrix and thereafter she became pregnant in the year and it was aborted and subsequently she again became pregnant and it was also aborted. On 9-5-2016 when she went to the house of the applicant
3. Learned counsel appearing for the applicant would submit that prosecutrix was aged about 30 years and she was in sexual relation with the applicant and she was a consenting party, therefore, no allegation of rape can be attributed to the applicant.

He would further submit that the charge-sheet has been filed in this case, the applicant is in jail since 13-05-2016 and no further investigation is required, therefore, he may be released 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 and the documents.
6. Perused the statements of the prosecutrix recorded under Section 161 and 164 of the Cr.P.C.
7. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicant, considering the statements of the prosecutrix recorded under Section 161 and 164 of the Cr.P.C., and without any observation on the merits of the case, I am inclined to release the applicant on bail.
8. 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