

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4420 of 2016

- Sukhram Kewat S/o Shri Samaru Kewat Aged About 59 Years R/o Village Ameri Akbari, P.S. Belha, District Bilaspur, Civil & Revenue District Bilaspur, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through Police Station Belha, District Bilaspur, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Dharendra Pandey, Advocate
For the Respondent	:	Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09.08.2016

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. 66/2016 (as per the charge sheet) registered at P.S. Belha, Distt. Bilaspur (C.G) for the offence punishable under Section 376 IPC.
2. As per the prosecution case, a report was made by the prosecutrix that on 17.03.2016 while she was taking rest in the field near the wheat crop at that time while she was in asleep at that time the applicant came there opened her garments and thereafter committed sexual intercourse. While she resisted the applicant fled away.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and the prosecutrix is a major lady. He further submits that the way the offence has been committed do not inspire the confidence and in any case, the prosecutrix was a consenting party as the time of incident was 1.30 p.m.
4. Per contra, learned State Counsel opposes the bail.

5. Perused the statement of the prosecutrix and the map.
Considering such statement and the age of prosecutrix,
without any further observation, I am inclined to allow this
bail application.

6. 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