

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4357 of 2016

- Lekhram Sahu S/o Bhagatram Aged About 25 Years R/o Bhadootola,
P.S. Sahaspur Lohara Tahsil - Lohara Civil & Rev. Distt. - Kabirdham
Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh Through - Police Station Sahaspur Lohara, Civil
& Rev. Distt. Kabirdham Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Dinesh Tiwari, Advocate
For the Respondent	:	Mr. Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08.08.2016

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. 90/2016 registered at P.S. Sahaspur Lohara, Distt. Kabirdham (C.G) for the offence punishable under Sections 450 & 376 IPC.
2. As per the prosecution case, on 10.05.2016 the applicant came to the house of prosecutrix at about 1 a.m., and thereafter committed forcible sexual intercourse.
3. Learned counsel for the applicant would submit that the prosecutrix was a consenting party and since her husband came at the time of incident as such the report has been made and no offence has been committed by the applicant.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of the prosecutrix and also perused the map of the place.
6. Considering the statement of prosecutrix and the totality of the facts and circumstances of the case, without any further observation on merits of the case, 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**

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