

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4328 of 2016

- Chakbandhu @ Jagbandhu S/O Jagdev Sahu Aged About 50 Years Occupation - Agriculturist, R/O Village - Khaira, Police Station & Tahsil - S. Lohara, Civil & Revenue District - Kabirdham Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through - District Magistrate/Station House Officer, Police Station - S. Lohara, District - Kabirdham Chhattisgarh

---- Respondent

For Applicant : Mr. Dharmesh Shrivastava, Advocate

For Respondent/State : Mr. Neerah Kumar Sharma, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08-08.2016

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 20-06-2016 in connection with Crime No. 132 of 2016, registered at Police Station S. Lohara, District Kabirdham (CG) for the offence punishable under Sections 450 & 376 of the IPC.
2. As per prosecution case, on 19-6-2016 a report was made by the prosecutrix that on 18-6-2016 she was sleeping in her house, at that time, the applicant came inside the house and committed sexual intercourse and when on hearing the voice her son came to the spot, the applicant fled away and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the prosecutrix is aged about 50 years and she was a consenting party to the incident and it was seen by her son, therefore, a report was made against the applicant. He would further submit that the charge-sheet has been filed in this case, he is in jail since 20-06-2016 and no further investigation is required, therefore, he may be released on bail.
4. On the other hand, 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 Sections 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 and further considering the statements of the prosecutrix, 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