

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 4900 of 2016**

Santosh Yadav, S/o. Latel Ram Yadav, Aged About 45 Years, R/o. Village Katholi, Police Station Chowki Birejhar, District Dhamtari, Chhattisgarh.

**---- Applicant**

**Versus**

State Of Chhattisgarh, Through Police Station Chowki, Birejhar, District Dhamtari, Chhattisgarh.

**---- Respondent**

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For Applicant : Mr. Kunal Das, Advocate

For Respondent : Ms. Shobha Kashyap, Govt. Advocate  
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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**26.08.2016**

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 in connection with Crime No.271/2016 registered at Police Station- Kurud (Chowki) Birejhar, District Dhamtari (C.G.) for the offence punishable under Section 376, 506-B, 450 of Indian Penal Code.
2. As per the prosecution case, on 04.05.2016 the applicant entered into the house of the prosecutrix while her husband had gone to city and thereafter the applicant committed forceful sexual intercourse with the prosecutrix over a threat. Subsequently, again the applicant was trying to enter into the house on 30.05.2016 who was seen by the mother-in-law & father-in-law and thereafter the report was made on 11.06.2016.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated, the prosecutrix is 32 years old lady and

she was a consenting party and it is improbable that in the presence of the family members, the forceful rape could have been committed, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the prosecutrix as also the medical report. Considering the statement, medical report & FIR, without any observation on merit, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. 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.

Sd/-  
**(Goutam Bhaduri)**  
Judge