

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4274 of 2016

1. Gopal Prasad, S/o. Babulal Agariya, aged about 25 years, R/o. Village-Korja, Tahsil – Pendra road, Police Station – Gaurella, District – Bilaspur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Station House Officer, Police Station – Gaurella, District – Bilaspur (C.G.)

---- Respondent

For Applicant : Mr. Ashok Soni, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

30/08/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.89/2016, registered at Police Station – Gaurella, District – Bilaspur (C.G.) for the offence punishable under Section 451, 376 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by the prosecutrix that the applicant on 14.03.2016 at about 10 o'clock entered into the house of the prosecutrix and committed forceful rape.
3. Learned counsel for the applicant submits that prosecutrix in this case has been examined before the Court below and reading of her statement would show that she was a consenting party and when it

was objected by the husband of the prosecutrix, the matter was reported. It is further submitted that medical report also do not support the forceful rape and false allegation have been levelled against the applicant, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the statements of the prosecutrix and her husband. Considering the statement of the prosecutrix and her husband without any further observation on merits, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge