

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7308 of 2015

- Baliya Yadav S/o Sursen Yadav Aged About 30 Years R/o Village Birhor Path, P.S. Samri, Tahsil Kusmi, Distt. Balrampur Ramanujganj, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through S.H.O., Samripath, Distt. Balrampur Ramajunganj, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Sunil Tripathi, Advocate.
For the Respondent	:	Mr. Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04.01.2016

1. This is an application filed u/s 439 of the Code of Criminal Procedure seeking granting of regular bail to the applicant in connection with Crime No. 39 of 2015 registered at Police station Samripath, Distt. Balrampur-Ramanujganj (C.G) for the offences punishable under sections 376 & 450 of IPC.
2. As per the prosecution case, on 05.09.2015 when the husband of the prosecutrix was out of station the applicant entered into the house and forcibly committed rape on her and when the prosecutrix raised voice, her sister-in-law reached there and thereafter when the husband came back, the incident was disclosed.
3. Learned counsel for the applicant submits that it is a case of out and out consent as it was not possible to commit forcible rape in the vicinity surrounded by so many houses and since the applicant was seen in the room of prosecutrix by the sister-in-law, therefore, the report was made. He further submits that the applicant has been falsely implicated and he is in jail since 14.09.2015 therefore he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Perused the statements of prosecutrix and her sister in law. After perusal of their statements, without any observation on merits of the case, I am inclined to release the applicant on bail.
6. Accordingly, this bail petition is allowed and the applicant is directed to be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He shall appear before the trial Court as and when directed by the said Court.
7. Cc as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**