

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7669 of 2015

- Ramdayal Rajwade S/o Dharampal Rajwade Aged About 41 Years R/o Village Rakeya, P.S. Charcha, Tahsil Baikunthpur, Civil & Rev. Distt. Korea, Chhattisgarh. --- **Petitioner**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Charcha, Distt. Korea, Chhattisgarh.

---- **Respondent**

For the applicant	:	Mr. Anil Gulati, Advocate.
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14.01.2016

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. 111/2015 registered at Police station Charcha, Distt. Korea (C.G) for the offences punishable under sections 450, 376 & 506 IPC.
2. As per the prosecution case, the FIR was filed by the prosecutrix alleging that on 21.9.2015, the applicant has forcibly entered into her house and committed rape on prosecutrix.
3. Learned counsel for the applicant submits that the applicant has initially filed a report against brother-in-law of the prosecutrix and as a counter blast to that, the subsequent report has been made. He further submits that the statement u/s 164 Cr.P.C., the prosecutrix has completely denied the allegation that the rape has been committed. Therefore, considering the contradiction in the statement of prosecutrix, the applicant may

be enlarged on bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Perused the statement u/s 164 cr.P.C., wherein the prosecutrix has completely denied the allegations of rape.
6. Taking into contradictory statement of the prosecutrix, for the purpose of bail, I am inclined to allow this bail application.
7. 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.
8. Cc as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**