

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 136 of 2016

Birbal, son of Mahru Satnami, aged about 50 years, resident of village Baijee, Thana Bemetara, Distt. Bemetara (C.G).... **Applicant**

Vs.

State of Chhattisgarh, through District Collector, Police Station Bemetara, Distt. Bemetara (C.G). ... **Respondent**

For the applicant	:	Mr. Samir Singh, Advocate.
For the Respondent	:	Mr. Anupam Dubey, Dy. Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

25.01.2016

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. 726 of 2015 registered at Police station Bemetara, Distt. Bemetara (C.G) for the offences punishable under sections 376, 506-B, 323/34 IPC.
2. As per the prosecution case, on 19.11.2015 when the prosecutrix was going to answer the call of nature at that time, co-accused Bhagwan Das caught hold of her and forcibly committed sexual intercourse with her and thereafter this applicant came there and assaulted her by way of club and went away.
3. Learned counsel for the applicant submits that the main allegations of rape are against co-accused Bhagwan Das and it is only alleged against this applicant that he has given a blow by club, therefore, taking into the nature of allegations against this applicant, he may be enlarged on bail.
4. Per contra, learned State Counsel opposes the prayer for grant of bail.

5. Perused the case diary and statements recorded u/s 161 and 164 Cr.P.C which shows that the Primary allegations are against Bhagwan Das for commission of rape and this applicant has assaulted her by way of club.
6. Taking into such statement of prosecutrix and considering the degree of allegations against this applicant and the main allegation of rape has been attributed to co-accused Bhagwan I am inclined to release this applicant on bail.
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