

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 271 of 2016

Bal Bhagwan Yadav, son of Shiv Prasad Yadav, aged about 43 years,
Occupation Agriculture, Resident of village Govindpur, P.S. & Tahsil
Batouli, District Sarguja (C.G). ... **Applicant**

Vs.

State of Chhattisgarh, through Station House Officer, Police Station
Batouli, Distt. Sarguja (C.G). ... **Respondent**

For the applicant	:	Mr. Jitendra Shrivastava, Advocate.
For the Respondent	:	Mr. Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28.01.2016

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. 59 of 2015 registered at Police station Batouli, District Sarguja C.G) for the offences punishable under sections 450, 342 & 376 of IPC.
2. As per the prosecution case, the houses of prosecutrix and applicant are adjacent to each other and the applicant is related to the prosecutrix. In the night of 30.04.2015 while the marriage was being performed, at that time, the applicant entered into the house of prosecutrix and committed forcible sexual intercourse with her.
3. Learned counsel for the applicant submits that the incident is alleged to have taken place on 30.04.2015 and thereafter the report was filed on 10.05.2015 and subsequently during hearing before the court below the prosecutrix herself has filed an application supported by an affidavit that she had not made any report in the like nature against the applicant. Therefore, it is

submitted that the applicant has been falsely implicated in this case.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Perused the copy of application filed by the prosecutrix wherein she has stated that no rape was committed on her.
6. Taking into such application which is supported by the affidavit of prosecutrix and further taking into facts and circumstances of the case and the way in which the incident is alleged to have happened, without any observation on merits, I am inclined to allow this bail application.
7. Accordingly, this bail application 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.

Cc as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**