

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3639 of 2016

- Santosh Das S/o Shri Kaleshwardas Manikpuri Aged About 35 Years R/o Village Manoharpur, P.S. Lalpur, Tehsil & Revenue District Mungeli, Civil District Bilaspur, Chhattisgarh. ---
Petitioner

Versus

- State of Chhattisgarh Through Station House Officer, P.S. City Kotwali, Tahsil, Civil & Revenue District Mungeli, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr.Akhil Mishra, Advocate
For the Respondent	:	Mr. Anil S. Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14.07.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 113 of 2016 registered at P.S. City Kotwali, Distt. Mungeli (C.G) for the offence punishable under Sections 294, 376 & 506 of IPC.
2. As per the prosecution case, on 25.02.2016 the applicant took prosecutrix in his motor cycle with an assurance to take her to a hospital at Dharsiva for treatment but while taking her on the way the applicant diverted the route and took her to a different place where he committed sexual intercourse. It is also stated that the prosecutrix, who is aged about 32 years , is sister in law of the applicant.
3. Learned counsel for the applicant submits that that the applicant has been falsely implicated in this case and no offence has been committed and the statement of prosecutrix would show that she was a consent party as no

forcible rape can be substantiated on the basis of medical report. He further submits that the charge sheet in this case has been filed and the applicant is in jail since 28.02.2016, therefore, he may be enlarged on bail

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and the statement of victim who is aged about 32 years.
6. Taking into consideration the age of prosecutrix and her statement as also the fact that the charge sheet has been filed and the applicant is stated to be in jail since 28.02.2016, without any observation on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE