

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3437 of 2016

Beer Singh, S/o Late Gangu Gond, Aged About 52 Years, R/o Komo, Police Station Taregaon, Tehsil Bodla, Civil & Revenue District Kabirdham, Chhattisgarh.

---- Applicant

Versus

The State Of Chhattisgarh, Through Station House Officer, Police Station Taregaon, District Kabirdham, Chhattisgarh.

---- Respondent

For applicant - Shri P.P. Sahu, Advocate.
For Respondent/State – Shri Vinod Tekam, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

11/07/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.9/2016 (wrongly mentioned in 11/2016 in order) registered in Police Station Taregaon, District Kabirdham Chhattisgarh for offence punishable under sections 376 & 506 of Indian Penal Code.
2. As per the prosecution case on 1/03/2016 prosecutrix while went to fetch water from the hand pump, at that time applicant came there and caught her and took her to nearby badi and committed sexual intercourse. Thereby, offence is committed.
3. Learned counsel for the applicant submits that as per the evidence available when wife did not return for considerable period of time, husband went to search his wife and applicant was caught red handed with the prosecutrix who was a major lady of 26 years, therefore offence cannot be attributed to this applicant. Therefore, learned counsel submits that the applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. Perused the case diary, documents and statement of the prosecutrix and other witness. Considering such statement and the evidence which is available, background of the case the way it happened, without any observation on the merit, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE