

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3644 of 2016

- Lalan Panika S/o Ram Narayan Panika Aged About 35 Years
R/o Village Shivpur, Police Station Churcha Colliery, Tahsil
Baikunthpur, District Korea, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through Police Station Churcha
Colliery, District Korea, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Pushpendra Kumar Patel, Adv.
For the Respondent	:	Mr. O.P. Sahu, Govt. Advocate.

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. 36/2016 registered at P.S. Churcha Colliery, District Korea (C.G) for the offence punishable under Sections 450, 376(2)(ढ) (ढ), 506 Part 2 of IPC and Sec. 3(1-(b)(1), 3(2)(v), 3(2)v)(a) of Scheduled Castes and Scheduled Tribes (Prevention of atrocities) Act.
2. As per the prosecution case, on 26.03.2016, the applicant entered into the house of prosecutrix and committed forcible sexual intercourse with her thereby the offence is committed.
3. Learned counsel for the applicant submits that the statement of prosecutrix who is aged about 40 years would show that she has stated that she was raped in the house in presence of her husband and looking to the way the story has been narrated, it can be said that she was a consenting party, therefore, the applicant has been falsely implicated in this case. It is further submitted that the charge sheet in this

case has been filed and the applicant is in jail since 30.03.2016, 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 prosecutrix.
6. Taking into consideration the statement of prosecutrix who is aged about 40 years as also the fact that charge sheet in this case has been filed and the applicant is stated to be in jail since 30.03.2016, 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**