

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3863 of 2016

1. Gore Lal, aged bout 50 years, S/o. Jhitku, By Caste-Dhimer (Kahar),
R/o. Village – Kanjiya, Thana Janakpur, Tahsil – Bharatpur, District –
Koriya (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station – Janakpur, District –
Koriya (C.G.)

---- Respondent

For Applicant	: Mr. Anand Shukla, Advocate
For Respondent/State	: Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/07/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.27/2016, registered at Police Station – Janakpur, District – Koriya C.G.) for the offence punishable under Section 376, 450 of I.P.C. .
2. Case of the prosecution, in brief, is that a report was made alleging that the prosecutrix while was alone in the house, the applicant entered into the house, thereafter forceful intercourse was committed. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the prosecutrix is aged lady of 40 years and is a consenting party to the entire incident and when the prosecutrix and the applicant were in

compromising position, it was seen by some one, as such report has been made. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 13.03.2016, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties.
6. Perused the statement of the prosecutrix, who is aged about 40 years. Considering the statement without any further observation on merits, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge