

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 3858 of 2016**

- Karamu Khadiya S/O Sukharam Khadiya Aged About 27 Years R/O - Village - Katoud, Chouki - Jobi P.S. - Kharsia District - Raigarh Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through : Kharisa Distt. - Raigarh Chhattisgarh

**---- Respondent**

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For Applicant : Mr. Vineet Kumar Pandey, Advocate

For Respondent/State : Mr. Satish Gupta, Govt. Advocate.  
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**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**20.07.2016**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 6-3-2016 in connection with Crime No. 09 of 2016 registered at Police Station Kharsia, District Raigarh (CG) for the offence punishable under Sections 376 and 493 of the IPC.
2. As per prosecution case, on 6-1-2016 a report was made by the prosecutrix that the applicant, who is her brother-in-law, on the pretext of marriage had committed sexual intercourse with her for the last four years and thereafter all of a sudden he left the home and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the statement of the prosecutrix would show that she was a major lady aged about 32 years and she herself had developed physical relation with the applicant, therefore, no case would be made out. He would further submit that the applicant has been falsely

implicated in the case, charge-sheet has been filed in this case, he is in jail since 6-3-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statements of the prosecutrix recorded under Sections 161 and 164 of the Cr.P.C., which would show that the prosecutrix was a major lady aged about 32 years.
7. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicant and considering statements of the prosecutrix and past antecedents of the prosecutrix, without any observation on the merits of the case, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the 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.

Certified copy as per rules.

Sd/-  
**(Goutam Bhaduri)**  
Judge

Raju