

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4290 of 2016

Dalweer Das @ Dalbeer Das, S/o. Shri Manohar Das, Aged About 65 Years, R/o. Village Turana, Police Station Darima, Tahsil Lakhanpur, District Sarguja, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station Darima, District Sarguja, Chhattisgarh.

---- Respondent

For Applicant : Mr. R.R.Soni, Advocate

For Respondent : Mr. Neeraj Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03.08.2016

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 in connection with Crime No.62/2016 registered at Police Station- Darima, District Sarguja (C.G.) for the offence punishable under Section 376 of Indian Penal Code.
2. As per the prosecution case, on 25.03.2016 the prosecutrix went to the house of his brother-in-law and while she was returning, at that time, the applicant caught hold her and took her to a canal below a tree and thereafter committed forceful sexual intercourse and when she raised alarm her husband came and the applicant fled away after leaving his sleepers and mobile.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated as the prosecutrix is an aged lady of 40 years and the way the offence has been committed, it would show

that it is a case of consent, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the prosecutrix and also the map wherein the alleged offence is said to have been committed. Considering the statement and the map, without any observation on merit, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. 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.

Sd/-
(Goutam Bhaduri)
Judge