

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4221 of 2016

Jethuram Yadav, S/o. Devari Lal Yadav, Aged About 25 Years, R/o. Village Chumkawa, Police Station Koni, Distt. Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through P.S. Koni, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Utkal Pradhan, Advocate

For Respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

01.08.2016

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.21/2016 registered at Police Station- Koni, District Bilaspur (C.G.) for the offence punishable under Section 376, 456 of Indian Penal Code and Section 3(1) 12 of Schedule Tribe & Schedule Caste Act.
2. Case of the prosecution, in brief, is that the applicant on 12.01.2016 entered into the house of the prosecutrix who is a married lady and forcefully committed rape while her husband was out. Subsequently, again on 18.01.2016, he entered into the house and at that time her brother-in-law also came there and abused the applicant and thereafter the applicant fled away and subsequently the report was made on 26.01.2016.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He further submits that the prosecutrix/victim was a married lady and the offence as has been

stated is improbable and it is the 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 and the map of the incident, which shows the place of incident and in the vicinity adjacent houses are also located. Considering the statement and the case diary, 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