

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4317 of 2016

- Budhram Sahu S/o Shri Madanlal Sahu Aged About 45 Years
R/o Village Bhothali, P.S. Dongargarh, District Rajnandgaon,
Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through Police Station Dongargarh,
District Rajnandgaon, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. C.R. Sahu, Advocate
For the Respondent	:	Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08.08.2016

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. 211 of 2016 registered at P.S. Dongargarh, Distt. Rajnandgaon (C.G) for the offence punishable under Sections 450, 376, 354 & 506 of IPC
2. As per the prosecution case, a report was made by the prosecutrix on 25.05.2016 alleging that in the night of 15.03.2016 the applicant after consuming liquor and when her husband was absent came to her house and committed forcible sexual intercourse with her and further threatened that if she makes report, her husband and children would be killed. It is further alleged that the incident was repeated on 20th March 2016 and 15th May of 2016, thereby the offence is committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case; the prosecutrix is a married lady of 28 years old and she was a

consenting party and there was enormous delay in lodging the report which show that false allegations have been attributed.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of prosecutrix recorded u/ss 161 and 164 Cr.P.C.
6. Considering such statements and the age of the prosecutrix who is a married lady of 28 years old and further looking to the totality of facts and circumstances of the case, I am inclined to allow this bail application.
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