

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7330 of 2015

1. Arjun Sen, S/o. Shri Bhagwati Sen, aged about 26 years, R/o. Village Kesda, Thana-Simga, District – Balodabazar-Bhatapara (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : the Police Station House Officer - Simga, Post Office-Simga, District – Baloda Bazar - Bhatapara (Chhattisgarh)

---- Respondent

For Applicant	:	Mr. Deepak Jain, Advocate
For Respondent/State	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05/01/2016

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.324/2015, registered at Police Station – Simga, District – Baloda Bazar-Bhatapara (C.G.) for the offence punishable under Section 376, 450 of I.P.C..
2. Case of the prosecution, in brief, is that on 15.10.2015, the applicant trespass the house of the prosecutrix and committed rape with her and in the next day panchayat held and thereafter, the FIR was registered.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that the prosecutrix is a married lady and was a consenting party to the entire incident as it was not possible for the applicant to forcefully commit rape in the house of the prosecutrix itself. He would further submit that

the prosecutrix was caught red handed by the husband in compromising possession and thereafter, the report was made, 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 appearing for the parties and perused the case diary.
6. I have perused the statement of the prosecutrix under Section 161 and 164 of Cr.P.C.. Taking into the statement of the prosecutrix without any 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