

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7251 of 2015

1. Puneshwar Yadav, S/o. Shri Chavilal Yadav, aged about 32 years, R/o. Village-Devri, Police Station-Kurud, Civil and Revenue District – Dhamtari (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Police Station - Kurud, District – Dhamtari (Chhattisgarh)

---- Respondent

For Applicant	:	Mr. Kunal Das, Advocate
For Respondent/State	:	Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04/01/2016

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.418/2015, registered at Police Station – Kurud, District – Dhamtari (C.G.) for the offence punishable under Section 376, 506 of I.P.C. & Section 3 (1) (12) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocity) Act.
2. Case of the prosecution, in brief, is that on 28.10.2015, the prosecutrix while went to her new house to clean up at that time, the applicant came there and committed forceful rape and while the husband of the prosecutrix came, the applicant run away from the house.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that the way the offence has been committed, it is the case of the consent and

no injury report has been found on the body of the prosecutrix. He would further submit that when the prosecutrix was spotted by her husband in compromising position, the matter has been reported. He would further submit that the applicant is in jail since 29.10.2015 and therefore, 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, wherein it is stated that report was made after spotting by her husband. 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