

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7582 of 2015

Khomupal S/o. Indalpal, aged about 20 years, R/o. of village- Sankara,
Police Station- Dharsiva, Birgaon, Durga Nagar, Latiyarin Temple,
Police Station- Khamtarai, District Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, P.S. Dharshiva
District Raipur (C.G.)

---- Respondent

For Applicant	:-	Mr. Ajay Ayachi, Advocate
For Respondent/ State	:-	Mr. Shangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25/01/2016

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. 257/2015 registered at Police Station- Dharshiva, District – Raipur (C.G.) for the offence punishable under Section 376, 506, 34 of IPC.
2. Case of the prosecution, in brief, is that, on 18.08.2015, the prosecutrix was residing on rent in the house of Vikram Satnami Suresh Mistri who organized a party in which the applicant and the other friends came there and the party was going on out side the room. While, the prosecutrix was alone in the house as her husband and children were not present in the house. The applicant came and caught hold the hands of the prosecutrix and dragged her into nearby dilapidated house and therefore, extended threat to

the prosecutrix and committed sexual intercourse with her. Thereby, the offence is committed.

3. Counsel for the applicant submits that a false report has been made as the place of incident was situated about 38 feet from the house of the prosecutrix and it was surrounded by the other houses. He further submits that the prosecutrix was a consenting party, therefore, a false case has been registered against the present applicant. He further submits that the applicant is in jail since 19.08.2015, therefore, he may be enlarged on bail.
4. Learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary. Perusal of the case diary, statement of the prosecutrix as also the MLC report which do not speak about any injury. Considering the Map and the distance wherein it is stated that the prosecutrix was dragged and the place of incident wherein the other houses are also situated. Considering the fact for the purpose of bail without any observation on merit, this Court is of the opinion, that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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