

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7692 of 2015

Suresh Yadav, S/o. Muneshwar Yadav, Aged About 34 Years, R/o. Village Chandora, P.S. - Chalgali, Distt. Balrampur – Ramanujganj, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through- Police Station Chalgali, District Balrampur- Ramanujganj, Chhattisgarh

---- Respondent

For Applicant : Mr. A.K.Yadav, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18.01.2016

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.46/2015, registered at Police Station– Chalgali, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 376, 506 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 11.08.2015, the prosecutrix while was working and sowing the field at about 12 O'clock, the applicant came there and dragged her towards the shrub and thereafter made her to lay down forcefully and committed sexual intercourse with her.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated as there has been a land dispute existing between the husband of the prosecutrix and the applicant for which a report was also made. He further submits that the way and the

time of incident as has been stated, it is improbable that at 12 O'clock in the afternoon such offence can be committed and even taking into the statement and the allegation, the offence of rape cannot be made out.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the statement of the prosecutrix as also the map of the incident wherein it shows that in the vicinity of 100 meters other residential houses are situated; further considering the statement of the prosecutrix alongwith the map as also the medical report, which do not support the allegation of rape and taking into the way the offence as alleged to have been committed in the middle of the day at about 12 O'clock, without any observation on merit, I am inclined to release the applicant on 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