

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5119 of 2016

Babla @ Chintamani Sahu, S/o. Chaitram Sahu, Aged About 48 Years,
R/o. Magargatta, P.S. Nandghat, District Bemetara, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Old Bhilai, District
Durg, Chhattisgarh

---- Respondent

For Applicant : Mr. Goutam Khetrapal, Advocate

For Respondent : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06.09.2016

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.184/2014 registered at Police Station- Old Bhilai, Distt. Durg (C.G.) for the offence punishable under Section 376 of Indian Penal Code.
2. As per the prosecution case, on 28.04.2014 the applicant who is son-in-law of the prosecutrix committed forceful sexual intercourse with the prosecutrix who is said to have been aged about 70 years for which a report was made and the applicant was arrested.
3. Learned counsel for the applicant would submit that the daughter of the prosecutrix was living alongwith the present applicant and some dispute arose in between the family, therefore, the false report has been lodged. He further submits that it is completely concocted and improbable story to accept and the same also do not support from

the medical evidence, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the prosecutrix who is aged about 70 years and also the medical report. Taking into the statement and the medical report, without any observation on merit, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the 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.

Sd/-
(Goutam Bhaduri)
Judge