

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5247 of 2016

Uttam Sinha, S/o. Balvant Sinha, Aged About 35 Years, Caste Kalar, R/o. Village Ranatola, Tahsil Mohla, P.S. Khadgaon, Distt. Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station Mohla, Distt. Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. S.S.Baghel, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24.10.2016

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.48/2016 registered at Police Station- Mohla, District Rajnandgaon (C.G.) for the offence punishable under Section 376 of Indian Penal Code and Section 3(2)(5-Ka) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. As per the prosecution case, on 20.05.2016 the applicant came to the house of the prosecutrix and told her that she is being called by Yogeshwari & Chitralkha for going to Gotatola and thereafter while she was going to Gotatola in the road, the applicant met her and took her to the forest and thereafter committed forceful sexual intercourse; thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case, the prosecutrix was a married lady and was consenting party and she herself went along-

with the applicant and thereafter false report has been made and the report was also made after 21 days, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statement of the prosecutrix as also the map of the place wherein the alleged offence is said to have been happened. Taking to the statement of the prosecutrix, without any observation on merit, I am inclined to release the applicant on 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