

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.CR.C. No. 5433 of 2016**

1. Hamid Ansari, S/o. Mujabuddin Ansari, aged about 35 years, R/o. Village-Revtipur, P.S. - Ramchandrapur, District – Balrampur – Ramanujganj (C.G.)

----Applicant

**Versus**

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Ramchandrapur, District – Balrampur-Ramanujganj (C.G.)

---- Respondent

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| For Applicant        | : Mr. Ajay Kumar Pandey, Advocate    |
| For Respondent/State | : Mr. Anil S. Pandey, Govt. Advocate |

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**15/09/2016**

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.5/2016, registered at Police Station – Ramchandrapur, District – Balrampur – Ramanujganj (C.G.) for the offence punishable under Section 376, 506 of Indian Penal Code and Section 3 (2-5) of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, 1989.
2. Case of the prosecution, in brief, is that on 03.02.2016, while the prosecutrix was standing with her daughter in the road at that time, the applicant and other co-accused came there and thereafter, the applicant caught hold of the hands of the prosecutrix took her to forest and on refusal she was threatened and committed forceful sexual intercourse and offered Rs.5,000/-. Thereby the offence has

been committed.

3. Learned counsel for the applicant submits that the prosecutrix was aged about 35 years and the way the offence has been committed she was a consenting party. He further submits that the medical report also do not support the happening of the incident, therefore, the counsel 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.
6. Perused the statement of the prosecutrix as also the statement of other witnesses namely Serun Nisha and Mohd. Shakil. Taking into such statements, without any further 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