

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5483 of 2016

Rakesh Kumar Chandravanshi, S/o. Rajkumar Chandravanshi, Aged About 26 Years, R/o. Village-Neurgaon Khurd, Police Station & Tahsil-Bodla, Civil & Revenue District-Kabirdham, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through-District Magistrate / Station House Officer, Police Station- Kawardha, District-Kabirdham, Chhattisgarh.

---- Respondent

For Applicant : Mr. Dharmesh Shrivastava, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19.09.2016

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.263/2016 registered at Police Station- Kawardha, District Kabirdham (C.G.) for the offence punishable under Section 365, 342, 506, 376 of Indian Penal Code.
2. As per the prosecution case, a report was made by the prosecutrix on 09.08.2016 that from 24.09.2015 while she went to Kawardha and went to a temple, at that time, she was given certain *Prasad* and after taking the same she became unconscious. Subsequently, she found herself into the company of the present applicant and she was kept for eight months and forceful sexual intercourse has been committed. Thereafter, she was kept in other place also at Neurgaon and when she escaped, she reported the matter.
3. Learned counsel for the applicant would submit that the applicant and the prosecutrix both were married and according to Annexure

A-2, Aadhar Card, name of the husband of the prosecutrix is shown to be name of the applicant. He further submits that the prosecutrix is a major lady and the applicant has been falsely implicated, therefore, he 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 statements. Considering the facts and circumstances of the case and 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 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