

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5577 of 2016

- Shobhraj Thakur S/O Sunder Lal Thakur Aged About 26 Years R/O Village - Jagannathpur, Police Station & District - Balod Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through : Station House Officer, Police Station - Balod, District Balod Chhattisgarh

---- **Respondent**

For Applicant : Mrs Madhu lika Jha, Advocate

For Respondent/State : Mrs. Shobha Kashyap, Dy.G.A.

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 on 1-5-2016 in connection with Crime No. 191 of 2016, registered at Police Station Balod, District Balod (CG) for the offence punishable under Sections 376 and 506 of the IPC.
2. Case of the prosecution, in brief, is that a report was made by the prosecutrix on 29-4-2016 that when she was in her field, at that time, the applicant came there and thereafter committed forcible sexual intercourse with her and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that applicant has been falsely implicated in the case. Prosecutrix is aged about 43 years and the incident wherein it is said to have happened is adjacent to the road at 5.00 pm., is not possible

and the medical report does not support the commission of offence. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 1-5-2016 and no further investigation is necessary, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the medical report and also site map of the incident.
7. Taking into consideration the facts and circumstances of the case, considering the medical report, nature of allegations leveled against the applicant and further considering the incident which is said to have happened at 5.00 pm., and further considering the age of the prosecutrix and without any observation on the merits of the case, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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 their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju

