

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5646 of 2016

Dhaneshwar Tirki @ Thirra S/o Sankoo @ Sanook Tirki, Aged
About 20 Years, R/o Village - Kalipur : Police Station - Batauli,
District - Surguja Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : Police Station - Batauli, District -
Surguja Chhattisgarh

---- Respondent

For applicant - Shri S.D. Singh, Advocate.
For Respondent/State – Shri Neeraj Jain, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

20/09/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.28/2016 registered in Police Station Batauli, District-Surguja (C.G.) for offence punishable under sections 506, 450, 376 of Indian Penal Code.
2. As per the prosecution case, on 28/03/2016 when the prosecutrix was alone in her house, the applicant forcefully entered into the house and committed rape on her. FIR was lodged on 29/03/2016. Thereby, offence is committed.
3. Learned counsel for the applicant submits that the prosecutrix is aged about 50 years and the way the offence has been narrated it would show that the applicant has been falsely implicated and it is completely improbable, therefore the applicant may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the victim under Section 161 and 164 of Cr.P.C. The incident is said to happen at 8 pm. Map of the incident also examined. Further in statement under Section 164 of Cr.P.C. no allegation of rape has been attributed and it is stated that applicant tried to open the

garments and having raised alarm, he fled away. Considering the facts and circumstances, without further observation on the merits, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE