

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.CR.C. No. 6205 of 2016**

1. Ratnu Sonwani, S/o. Late Kanoon Sonwani, aged about 52 years, R/o. Village- Gidhpuri, Infront of High School, Thana – Palari, District – Balodabazar (C.G.)

**----Applicant**

**Versus**

1. State of Chhattisgarh, Through : Station House Officer, P.S. Tikrapara, Raipur (C.G.)

**---- Respondent**

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| For Applicant        | : Mr. U.K. Singh Chandel, Advocate |
| For Respondent/State | : Mr. Anant Bajpai, Panel Lawyer   |

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**05/10/2016**

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.244/2016, registered at Police Station – Tikrapara, District – Raipur (C.G.) for the offence punishable under Section 376 of Indian Penal Code.
2. Case of the prosecution, in brief is that a report was made by the prosecutrix on 20.06.2016 that while she was in her hut at that time, the applicant entered into the hut of the prosecutrix and thereafter committed forceful intercourse. Subsequently, she raised alarm and after hearing the alarm nephew Santosh and Usha Netam came, thereafter, the applicant fled away. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the prosecutrix and the applicant were married 15 to 20 years back and they got

separated. Subsequently the marriage of the son of the applicant from the second marriage, took place with sister of the prosecutrix and the prosecutrix herself has stated that no offence has been committed by the applicant as per Annexure A/2, which is an affidavit filed before the Court below. 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 copy of the affidavit which was filed before the Court as also the statement of the prosecutrix under Section 161 and 164 of Cr.P.C. Taking into the facts and circumstances of the case and further taking into the affidavit filed by the prosecutrix, 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