

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6520 of 2016

1. Fulsingh Rathiya, S/o. Ghasiyaram Rathiya, aged about 26 years, Occupation-Agriculturist, R/o. Village-Teram, P.S. and Tahsil – Gharghoda, District – Raigarh (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station – Gharghoda, District – Raigarh (C.G.)

---- Respondent

For Applicant	: Mr. Vineet Kumar Pandey, Advocate
For Respondent/State	: Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24/10/2016

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.195/2015, registered at Police Station – Gharghoda, District – Raigarh (C.G.) for the offence punishable under Section 376, 506 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 19.07.2016 a report was made by the victim alleging that on 16.07.2016 while she was coming back to answer the nature's call, the applicant met her in the way and caught hold of her and dragged her to abandoned house and thereafter committed forceful sexual intercourse. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case as if she has been dragged to a

distance, she would have sustained a injury but the medical report do not support the same and she was a consenting party. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 19.07.2016, 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 victim and map. Considering the statement of the victim, 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