

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6735 of 2016

- Durgesh Kurmi S/o Sumant Kurmi Aged About 28 Years R/o Village Amurra, Police Station Sariya, Tahsil Baramkela, District Raigarh, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through Station House Office, Police Station Sariya, District Raigarh, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Raghavendra Pradhan, Advocate
For the Respondent	:	Mr. Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02.11.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 120/2016 registered at P.S. Sariya, Distt. Raigarh (C.G) for the offence punishable under Sections 376 & 506-B of IPC.
2. As per the prosecution case, a report was made by the victim that the applicant used to come to her house for the last 3 years and asked for physical relations otherwise threatened that he will commit suicide, therefore, on that pretext, the applicant committed forcible sexual intercourse without the consent of the prosecutrix whereby the offence is committed.
3. Learned counsel for the applicant would submit that as per the prosecution case the applicant often used to come to the house of victim in absence of her husband and she is aged about 30 years and was a consenting party and on that date the husband caught hold of the applicant and victim in compromising position, therefore, false allegations have

been made. It is further submitted that the charge sheet has been filed and the applicant is in jail since 09.08.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of the victim who is a married lady of aged about 30 years.
6. Considering such statement and age of the prosecutrix and the way in which the offence is alleged to have been committed as also the fact that the charge sheet in this case has been filed and the applicant is in jail since 29.08.2016, without any further observation on merits of the case, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

GOUTAM BHADURI
JUDGE