

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6801 of 2016

1. Mohit Dhruv, S/o. Laxman Dhruv, aged about 36 years, R/o. Village-Nawagaon, Police Station Dadhi, District – Bemetara, Chhattisgarh.

----Applicant

Versus

1. The State of Chhattisgarh, Through : Station House Officer, Police Station – Dadhi, District – Bemetara (C.G.)

---- Respondent

For Applicant : Mr. P.P. Sahu, Advocate

For Respondent/State : Mr. Sangharsh Pandey, Dy.Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04/11/2016

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.159/2016, registered at Police Station – Dadhi, District – Bemetara (C.G.) for the offence punishable under Section 456, 354(1), 376 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 01.09.2016, the applicant entered into the house of the prosecutrix, thereafter committed forceful rape. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the prosecutrix is aged about 45 years and she was seen in compromising position by the son, Virendra, thereafter, such report has been made and she was a consenting party to the entire incident. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 09.09.2016, 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 prosecutrix and the son, Virendra. Considering such statements 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