

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7125 of 2016

- Ramsevak Banjare S/o Dupchand Banjare, Aged About 35 Years R/o Dhamdha Para, Chinbhog, Police Station Patharia, District Mungeli Chhattisgarh --- **Applicant**

Versus

- State of Chhattisgarh through Police Station Incharge, Police Station Nandghat, District Bemetara Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Rudranath Mukherjee, Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17.11.2016

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. 319/2016 registered at P.S. Nandghat, Distt. Bemetara (C.G) for the offence punishable under Sections 366, 376, 493, 506 IPC.
2. As per the prosecution case, a report was made by the prosecutrix on 07.08.2016 that the applicant came to her house on 10.07.2016 and dragged her to Kothar and thereafter on the pretext of marriage he committed forcible sexual intercourse with her. Subsequently he took her to Bhatapara and from Bhatapara they went to Delhi and Gudgaon where they stayed and the applicant further committed sexual intercourse and thereafter he refused to marry the prosecutrix, thereby the offence is committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and the prosecutrix is a lady of aged about 24 years and she was a

consenting party to the entire incident as she went along-with the applicant to Delhi and other places and did not resist the applicant during such course, therefore, she being a consenting party false allegations have been attributed.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statements of prosecutrix u/ss 161 & 164 Cr.P.C., which show that she went along-with the applicant and both had voluntarily visited different places. Considering such statements and the age of prosecutrix, without any further observation on merits of the case, I am inclined to release the applicant on regular bail.
6. 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**