

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7983 of 2016

- Bharat Lal Sahu S/o Anujram Sahu, Aged About 31 Years R/o Village- Mandalpara, Baikunthpur, Police Station And Tahsil- Baikunthpur, Civil And Revenue District- Korea (Chhattisgarh)

---- **Petitioner**

Versus

- State Of Chhattisgarh Through- Police Of Police Station Baikunthpur, Tahsil- Baikunthpur, Civil And Revenue District- Korea Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Ratnesh Kumar Agrawal, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19-12-2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 1-9-2016 in connection with Crime No. 115 of 2016, registered at Police Station Baikunthpur, District Korea (CG) for the offence punishable under Sections 366, 342, 376, 376(2) of the IPC and Section 3 (1)(12) of the Prevention of Atrocities Act.
2. As per prosecution case, on 12-5-2016 a report was made by the prosecutrix that on 10-5-2016 when her husband asked the applicant to leave her in the village while he was going to Court, present applicant took the victim girl to Nursery, confined her forcefully and thereafter committed forcible sexual intercourse with her and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, prosecutrix is a major lady, place of incident is alleged to be open place and she was a

consenting party and no offence has been committed. He would further submit that the charge-sheet has been filed, applicant is in jail since 1-9-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statements of the prosecutrix recorded under Sections 161 and 164 of the Cr.P.C.
7. Considering the facts and circumstances of the case and further considering the statements of the prosecutrix without further observation on the merits of the case, this court is inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju