

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 664 of 2017

- Lekhram Paikara S/o Budeshar, Aged About 28 Years (Wrongly Mentioned As Buddheshwar) Paikra, R/o Village Salouni, Police Station Palari , District Balodabazar- Bhatapara, Chhattisgarh. ---
Applicant

Versus

- State of Chhattisgarh through Station House Office, Police Station Palari, District Balodabazar- Bhatapara, Chhattisgarh. -- **Respondent**

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

13.02.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 398/2016 registered at Police Station Palari, Distt. Balodabazar-Bhatapara (C.G) for the offence punishable under Sections 456 & 376 IPC.
2. As per the prosecution case, a report was made by the prosecutrix on 09.10.2016 that in the night of 07.10.2016 while she was alone in the house at that time the applicant forcibly entered into the house of prosecutrix and committed forcible rape against her will, thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the prosecutrix was married lady of 28 years; she was a consenting party and no offence was committed by the applicant and he has been falsely implicated as the applicant

was seen by the mother-in-law of prosecutrix. He further submits that the charge sheet has been filed and the applicant is in jail since 09.10.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and the statements of prosecutrix recorded u/ss 161 & 164 Cr.P.C. Considering such statements of prosecutrix who is a married lady aged about 28 years as also the fact that the charge sheet has been filed and the applicant is in jail since 09.10.2016, I am inclined to allow this bail application.
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 till disposal of the trial.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**