

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 58 of 2017

Lohar Sai Bhagat, S/o. Shani Ram Bhagat, aged about 50 years, R/o. Village- Siharbud, Sainjor, P.S. Kansabel, Jashpur, District – Jashpur (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through : Station House Officer- Police Station – Kusmi, District – Balrampur (C.G.)

---- Respondent

For Applicant	:	Ms. Hamida Siddiqui, Advocate
For Respondent	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17/01/2017

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 in connection with Crime No.42/2016, registered at Police Station- Kusmi, District – Balrampur (C.G.) for the offence punishable under Section 376, 450, 506 of Indian Penal Code.
2. Case of the prosecution in brief is that a report was made by the prosecutrix on 07.10.2016 alleging that on 06.10.2016, the applicant entered into the house of the prosecutrix and on the point of knife, committed forceful sexual intercourse. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and it is the case of the consent, which would be evident from the statement of husband when he came he saw, the applicant and the prosecutrix in compromising position. It is further submitted charge-sheet in this case has been filed and the applicant is in jail since 07.10.2016, therefore, the applicant may be enlarged on bail.

4. On the other hand, learned State counsel opposes the bail application.
5. I have heard the learned counsel for the parties.
6. Perused the statement of the prosecutrix and the husband of the prosecutrix. Considering the statement as also the map of place of incident, 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 Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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