

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 70 of 2017

- Shyamnand Dey S/o Late Pramod Chand Dey Aged About 27 Years R/o Nayapara Bande, Police Station Bande, Revenue & Civil District North Bastar Kanker, Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through The Police Station Bande, District North Bastar Kanker, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. P.K. Tulsyan, Advocate

For Respondent/State : Mr. Arvind Shukla, 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 on 14-09-2016 in connection with Crime No. 48 of 2016, registered at Police Station Bande, District Kanker (CG) for the offence punishable under Section 354, 450, 376 and 511 of the IPC and Section 3(1)(B) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. As per prosecution case, a report was made by the prosecutrix on 13-9-2016 that on 12-09-2016 at 4.30 pm., the applicant along with his mother came to her house and thereafter he asked his mother to go back. Subsequently, he asked the prosecutrix to give him a glass of water and thereafter when she entered into kitchen room to bring water, the applicant followed her, caught hold of her and thereafter made her lie on the bed and tried to commit forcible sexual intercourse with her and

during such course, he pressed her entire body 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 married lady aged about 26 years and she was a consenting party and at the time of incident husband of the prosecutrix came there, therefore, false allegations have been attributed to the present applicant. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 14-9-2016 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, perused the case diary and documents.
6. Perused the statements of the prosecutrix and her husband.
7. Taking into consideration the facts and circumstances of the case and further considering the statements of the prosecutrix and her husband, without further observation on the merits of the case, I am 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

