

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 111 of 2017

Narsing, S/o. Agrahij Deshlahre, Aged About 35 Years, R/o. Khangarpat,
Police Chauki- Kandarka, Thana- Berla, District Bemetara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station- Berla, District Bemetara,
Chhattisgarh.

---- Respondent

For Applicant : Mr. Samir Singh, Advocate

For Respondent : Mr. Sangharsh Pandey, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/01/2017

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.367/2016 registered at Chauki- Kandarka, Thana- Berla, District Bemetara (C.G.) for the offence punishable under Section 450, 376 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by the prosecutrix on 04.12.2016 that the present applicant who is the brother-in-law on 03.12.2016 came to her house and thereafter forcefully committed rape. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated, the prosecutrix was a consenting party and married lady, aged about 40 years and since the applicant and prosecutrix was seen in a compromising position by the husband of the prosecutrix, therefore, the report was made.

He further submits that the charge sheet has been filed and the applicant is in jail since 15.12.2016, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary, statement of the prosecutrix and the map. Considering the statement of the prosecutrix and the map, without any observation on merit, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on 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.

Sd/-
(Goutam Bhaduri)
Judge