

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 583 of 2017

Bansh Bahadur Murum, S/o. Ruplal, Aged About 45 Years, R/o. Village- Ghaghara, Police Station- Pasta, District- Balrampur- Ramanujganj, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station- Pasta, District- Balrampur- Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant : Mr. A.K.Yadav, Advocate

For Respondent : Mr. Avinash K. Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06/02/2017

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.50/2016 registered at Police Station- Pasta, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 294, 323, 376(2) n, 450, 506 of Indian Penal Code.
2. As per the prosecution case, a report was made on 05.09.2016 by the victim/ prosecutrix that from November, 2014 to October, 2016, the applicant who is in relation with the victim had forcefully committed rape in absence of her husband and thereafter has also extended threat and assault was also made.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated, the prosecutrix was a married lady and was a consenting party and when it was made known to the people, the report has been made. He further submits that the

charge sheet has been filed and no further investigation is necessary, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statement of the prosecutrix under Section 161 & 164 of Cr.P.C. Considering the statement, 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