

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 804 of 2017

- Shekhu Ram Sahu S/o Panchu Ram Sahu, Aged About 31 Years R/o Village Akaltara, Police Station Bhatapara (Gramin) District Balodabazar Bhatapara Chhattisgarh
--- Applicant

Versus

- State of Chhattisgarh through the Station House Office, Police Station Bhatapara (Gramin), District Balodabazar - Bhatapara Chhattisgarh
--- Respondent

For the applicant	:	Mr. Anil Gulati, Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21.03.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 251 of 2016 registered at Police Station Bhatapara (Gramin), Distt. Balodabazar Bhatapara (C.G) for the offence punishable under Sections 450, 376 & 506 of IPC.
2. As per the prosecution case, on 17.11.2016 a report was made by the prosecutrix that on 11.11.2016 the present applicant entered into her house, thereafter threatened her and committed forcible sexual intercourse.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated; the prosecutrix is a married lady and was a consenting party and she did not raise alarm while she was subjected to rape which would show that false allegations have been attributed. He further submits that the charge sheet has been filed and the

applicant is in jail since 19.11.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statements of prosecutrix recorded u/ss 161 & 164 Cr.P.C. Considering such statements as also the fact that the charge sheet in this case has been filed, without any further observations on merits of the case, 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 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 for his appearance before the said Court as and when directed.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**