

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 936 of 2017

1. Santosh Singh Pusham, S/o. Rampukar Gond, Aged About 25 Years, R/o. Village- Murka, Police Station- Chalgali, District- Balrampur-Ramanujganj, Chhattisgarh.

----Applicant

Versus

1. State Of Chhattisgarh, Through : Police Station- Chalgali, District- Balrampur-Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. A.K. Yadav, Advocate
For Respondent/State	:	Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/02/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.04/2016, registered at Police Station – Chalgali, District – Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 376 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by the prosecutrix on 14.02.2016 alleging that on 12.02.2016 at about 9.00 o'clock, the applicant forcefully dragged the prosecutrix to a vegetable garden and thereafter committed forceful sexual intercourse. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the prosecutrix is aged lady of 50 years and she was a consenting party to the entire incident, which would be evident from the statement of the prosecutrix as she herself was in the company of the applicant, therefore, the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary, documents as also the statement of the prosecutrix and the map of the area. Considering the statement of the prosecutrix 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 the Cr.P.C. is allowed.
8. It is directed that 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