

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 840 of 2017

Mukesh Kumar Bhuiya S/o Ramnath Bhuiya, Aged About 21 Years
R/o Village Baliya, Police Station Chalgali, District Balrampur
Ramanujganj Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through State Of Chhattisgarh Through
Police Station Chalgali District Balrampur Ramanujganj
Chhattisgarh

---- Respondent

For applicant - Shri A.K. Yadav, Advocate.
For Respondent/State –Shri Ashish Shukla, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

27/02/2017

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.27/2016 registered in Police Station Chalgali, Police & Revenue District Balrampur Civil District Surguja for offence punishable under section 376 of Indian Penal Code.
2. As per the prosecution case, a report was made by the victim on 26/06/2016 that on 21/06/2016 when she had went to canal, at that time the applicant came there caught hold of her and thereater committed sexual intercourse. When she raised alarm her brother came and the applicant fled away.
3. Learned counsel for the applicant submits that the victim was major lady and since she was spotted by her brother as such report has been made, she was a consenting party, therefore the applicant may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail.

5. Perused the statement of the victim under Section 161 and 164 of Cr.P.C. Considering such statement, without further observation on the merits, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE