

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 850 of 2017

- Lomesh S/o Sudaru, aged about 30 Years R/o Kungarpal Mundagudapara, Police Station Bhanpuri Revenue And Civil District Bastar Chhattisgarh

---- Petitioner

Versus

- State of Chhattisgarh Through The Police Station Bhanpuri District Bastar Chhattisgarh

---- Respondent

For Applicant : Mr. Pravin Kumar Tulsyan, Advocate

For Respondent/State : Mr. Wasim Miyan, P.L. for the State.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27-02-2017

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 on 20-08-2016 in connection with Crime No. 64 of 2016, registered at Police Station Bhanpuri, District Bastar (CG) for the offence punishable under Sections 376, 506 and 450 of the IPC.
2. Case of the prosecution, in brief, is that on 20-8-2016 a report was made by the victim girl that on 15-8-2016 when she was alone in her house, at about 2 0' clock the applicant forcefully entered into her house, extended threat to the victim girl and thereafter he committed forceful sexual intercourse with her and when her mother came to the spot, the applicant fled away and thereby the aforesaid offence was committed.
3. Learned counsel for the applicant would submit that the victim girl is a major and she was a consenting party. When her mother came to the spot, a report has been made against the applicant. He would further submit that charge-sheet has been filed in this case, the applicant is in

jail since 20-8-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the statements of the victim girl recorded under Sections 161 and 164 of the Cr.P.C.
7. Taking into consideration the facts and circumstances of the case and further considering the statements of the victim girl, without further observation on the merits of the case, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the 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. He shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju