

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1074 of 2017

- Sanjay Bagh S/o Sahdev Bagh Aged About 37 Years R/o Village-Baradoli, Police Station-Saraipali, District-Mahasamund, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through Station House Officer, Police Station-Saraipali, District-Mahasamund, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Vikash Pradhan, Advocate
For the Respondent	:	Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02.03.2017

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. 263 of 2016 registered at Police station Saraipali, Distt. Mahasamund (C.G) for the offence punishable under Sections 376 & 450 of IPC.
2. As per the prosecution case, on 21.08.2016 a report was made by the prosecutrix that in the night of 19.08.2016 while she was alone in the house, the applicant entered into the house and committed forcible sexual intercourse with her after tying her hands and closing her mouth with the help of Sari so that she cannot raise alarm. Thereafter she could make herself free and a report was made.
3. Learned counsel for the applicant would submit that the prosecutrix was a married lady of 24 years old and she was a consenting party and since the incident was seen by other family members, the false report has been made.

4. Per contra, learned State Counsel opposes the bail.
 5. Perused the case diary and the statements of prosecutrix recorded u/ss 161 & 164 Cr.P.C as also the map showing the place of incident i.e., house of prosecutrix. Considering such statements and facts and circumstances of the case and looking to the period of detention of the applicant as he is stated to be in jail since 22.08.2016, without any further observation on merits of the case, this Court is inclined to grant bail to the applicant.
 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**