

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 1059 of 2017**

Madhurlal @ Mukesh Patel, S/o. Jogendra Kumar Patel, Aged About 26 Years, R/o. Village Gobar Sinha, Police Station & Tahsil Baramkela, Distirct Raigarh, Chhattisgarh.

**---- Applicant**

**Versus**

State Of Chhattisgarh, Through Police Station Jute Mill, Raigarh, District- Raigarh, Chhattisgarh.

**---- Respondent**

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For Applicant : Mr. Manoj Paranjpe, Advocate

For Respondent : Mr. U.K.S.Chandel, Panel Lawyer  
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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**15/03/2017**

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 in connection with Crime No.31/2017 registered at Police Station- Jute Mill, Raigarh, District Raigarh (C.G.) for the offence punishable under Section 376 of Indian Penal Code.
2. As per the prosecution case, a report was made by the prosecutrix on 16.01.2017 that the present applicant in the year 2012 initially committed forceful sexual intercourse and thereafter on the pretext of marriage, he continued the sexual intercourse till 2017. Subsequently, the applicant has performed marriage with another girl; thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated, the prosecutrix was a major lady and since 2012 no report has been made, the first report was made in

the year 2017, therefore, false allegations have been attributed against the applicant; consequently he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statement of the prosecutrix. The alleged incident was of 2012 and the report was made in the year 2017. Considering the statement of the prosecutrix, without any observation on merit, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-  
**(Goutam Bhaduri)**  
Judge