

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1465 of 2017

- Sunil Sahu S/o Dilip Sahu, Aged About 25 Years R/o Ganesh Nagar, Nayapara, Police Station Sirgitti, Civil & Revenue District Bilaspur, Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Sirgitti, District Bilaspur, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Dharmesh Shrivastava, Advocate

For Respondent/State : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

20-03-2017

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 on 26-10-2016 in connection with Crime No. 353 of 2016, registered at Police Station Sirgitti, District Bilaspur (CG) for the offence punishable under Sections 450, 376, 506 of IPC and Section 3(2)(5) and 3(1) (b-i) (b -ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989.
2. As per prosecution case, on 22-11-2016 a report was made by the prosecutrix that during the course of household work and when her husband had left for office, the applicant entered into her house, took her into room and committed forceful sexual intercourse with her and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in this case, prosecutrix was a married lady and she was a consenting party and she did not raise alarm. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 22-10-2016 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 statement of the prosecutrix recorded under Sections 161 and 164 of the Cr.P.C and also map of the incident.
7. Taking into consideration the facts and circumstances of the case, further considering the statement of the prosecutrix, 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

