

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1228 of 2017

- Mithailal @ Chakradhari Prajapati S/o Jagnarayan Prasad Aged About 38 Years R/o Village Virendra Nagar, Police Station Trikunda, District Balrampur- Ramanujganj, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through Station House Officer, Police Station: Trikunda, District Balrampur- Ramanujganj, Chhattisgarh. ---**Respondent**

For the applicant	:	Mr. D. N. Prajapati, Advocate
For the Respondent	:	Mr. Ashok Swarnkar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

07.03.2017

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. 36/2016 registered at P.S. Trikunda, Distt. Balrampur-Ramanujganj (C.G) for the offence punishable under Sections 376(n), 450, 323, 506 of IPC.
2. As per the prosecution case, on 03.10.2016 a report was made by the prosecutrix that when she went to her old house on 02.10.2016 at about 12.00 noon, the applicant caught hold of the prosecutrix and dragged her to the nearby filed and thereafter committed forcible sexual intercourse with her. Subsequently again the applicant came to the house of prosecutrix at about 9 p.m., and committed the same offence. However, when the son objected to it and raised alarm, the applicant tried to flee away and at that moment, he was caught red handed.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated, the victim is a married lady of 29 years and she was a consenting party to the entire incident. He further submits that the charge sheet has been filed and the applicant is in jail since 03.10.2016, therefore, he may be enlarged on bail.
 4. Per contra, learned State Counsel opposes the bail.
 5. Perused the case diary documents as also the report and the statement of the victim u/ss 161 Cr.P.C., as also the map of the incident.
 6. Taking into such statement of the prosecutrix as also the fact that the charge sheet has been filed and the applicant is in jail, without any further observation on merits of the case, I am inclined to release the applicant on regular bail.
 7. 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**