

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1401 of 2017

- Rahul @ Deepak @ Bittu Sharma S/o Rajendra Sharma Aged About 23 Years R/o Nayapara Adawal Jagdalpur, Police Station Kotwali, Revenue And Civil District Bastar (Chhattisgarh). --- **Applicant**

Versus

- State of Chhattisgarh through the Police Station Bodhghat District Bastar (Chhattisgarh). --- **Respondent**

For the applicant	:	Mr. Pravin Kumar Tulsyan, Advocate
For the Respondent	:	Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

20.03.2017

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. 245 of 2016 registered at Police Station Bodhghat, Jagdalpur Distt. Bastar (C.G) for the offence punishable under Section 376 & 506 of IPC.
2. As per the prosecution case, a report was made by the prosecutrix on 30.08.2016 that on 21.07.2016 when the applicant who was friend of her husband knocked the door, it was opened thereafter he committed forcible sexual intercourse with her, 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 married lady and was a consenting party, 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 statement of prosecutrix recorded u/s 161 Cr.P.C.
 6. Considering the statement of prosecutrix who was a married lady, without any further observation on merits of the case, I am inclined to allow this bail application.
 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**