

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2350 of 2017

- Deepak Gupta @ Deepak Agrawal S/o Raju @ Raj Kumar Agrawal, Aged About 28 Years, R/o Village Bargideeh, Police Station Lundra, District Surguja, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer- Police Station Lundra, District Surguja, Chhattisgarh.

---- Non-applicant

For Applicant – Smt. Hamida Siddique, Advocate.

For Non-applicant/State – Shri Avinash Singh, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15-06-2017

1. This is first bail application filed under Section 439 of the Cr.P.C. seeking grant of bail to the applicant in connection with Crime No.45/2016 registered at Police Station Lundra, District Surguja, C.G. for the offence punishable under 376 of the IPC and Section 3(2-5) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. As per the prosecution case, a report was lodged by the prosecutrix on 24-04-2016 that on 28-02-2016 the prosecutrix was subjected to forcible rape by the present applicant, thereafter, since there was no settlement in the Panchayat, report was made.
3. Learned counsel for the applicant submits that the prosecutrix was aged lady about 40 years. She was a consenting party. Her statement, narration has not been corroborated by the statement of her husband Amar Sai.
4. Learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the victim under Section 161 and 164 of the Cr.P.C. and the statement of the husband which has been placed before this Court by the applicant, considering the statement, without further observation this Court is inclined to release the applicant on bail.

6. Accordingly, the bail application filed under Section 439 of the 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 solvent surety in the like sum to the satisfaction of the concerned trial court for his appearance before the said court as and when directed.

8. C.C. as per rules.

Sd/-
(Goutam Bhaduri)
Vacation Judge