

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3366 of 2017

- Ashwani Sahu S/o Bhukhan Sahu, Aged About 48 Years R/o Village Kirswai, Police Station & Tahsil Simga, District-Balodabazar Bhatapara, Chhattisgarh. --- **Appellant**

Versus

- State of Chhattisgarh through Police Station Simga, District-Balodabazar- Bhatapara, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. B.L. Dembra, Advocate
For the State	:	Mr. Rahul Tamaskar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

13.06.2017

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.41/2017 registered at P.S. Simga, Distt. Baloda Bazar Bhatapara (C.G) for the offence punishable under Sections 376, 323 & 506 IPC.
2. As per the prosecution case, on 03.02.2017 the applicant entered into the house of prosecutrix and committed forcible sexual intercourse by assaulting her. Immediately the report was made on the same day and after investigation, the applicant was arrested.
3. Learned counsel for the applicant would submit that the prosecutrix is a married lady, she was a consenting party and no offence has been committed. He further submits that the charge sheet has been filed and the applicant is in jail since 04.02.2017, therefore, he may be enlarged on bail.
4. On the other hand, learned State Counsel opposes the prayer.

5. Perused the statement of the prosecutrix as also the medical report. Considering the same, I am not inclined to allow this bail application. Accordingly, it is dismissed.

Sd/-

**GOUTAM BHADURI
JUDGE**

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