

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4229 of 2017**

- Khilawan Khunte @ Chhotu @ Khelawan S/o Nandan Khunte, Aged About 47 Years R/o Parsatthi, Police Station Arang, District Raipur, Chhattisgarh.

---- Applicant**Versus**

- The State of Chhattisgarh Through The Station House Officer, Police Station Arang, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Shri P.P. Sahu, Advocate
For Respondent-State	:	Shri SRJ Jaiswal, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****22/11/2017**

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 12.04.2017 in connection with Crime No. 156/2017 registered at Police Station Arang, District-Raipur (CG) for the offence punishable under Section 376 of the I.P.C.
2. As per the prosecution case, a report was lodged by the prosecutrix on 01.04.2017 that on 25.03.2017, when she had gone to the forest to collect the firewood, at that time the applicant came there caught hold of the prosecutrix dragged her and thereafter committed forceful sexual intercourse, which was seen by some of the villagers. Consequently, the report was made.

3. Learned counsel for the applicant would submit that the prosecutrix was a consenting party aged about 38 years and spotted by one of her friend, as such false report was lodged, therefore, no offence is made out against the applicant and he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the prosecutrix as also the other witness Kunti Bai, who is said to have seen the incident. Considering the same, without any observation on merits, I am inclined to release the applicant on bail.
6. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Goutam Bhaduri

Judge

Ashu