

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4290 of 2017**

- Ram Pravesh @ Pravesh S/o Ganesh Singh Mar Aged About 44 Years R/o Jamua Dand, Police Station Balrampur, District Balrampur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through:- Station House Officer, Police Station-Balrampur, District- Balrampur, Chhattisgarh

---- Respondent

For Applicant	:	Shri C.J.K. Rao, Advocate
For Respondent-State	:	Shri SRJ Jaiswal, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****23/11/2017**

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 03.02.2017 in connection with Crime No. 20/2017 registered at Police Station Balrampur, District Balrampur (CG) for the offence punishable under Section 376 of the I.P.C. and Section 3 (2-5) of the Atrocities Act.
2. As per the prosecution case, a report was lodged by the prosecutrix on 01.02.2017 that on 31.01.2017 the applicant came to her house, since the prosecutrix knew the applicant, therefore, she asked him to sit in her house. Thereafter, her daughter went out to answer the call of nature then the applicant caught hold of the prosecutrix and committed forceful rape.
3. Learned counsel for the applicant would submit that the prosecutrix, who is

aged about 35 years, was a consenting party as no injury was sustained by her, 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 medical report. Considering the same and the fact that the charge-sheet in this case has been filed, without any observation on merit, 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