

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7853 of 2016

- Vinod Kumar Lodhi S/o Late Kushal Prasad Lodhi Aged About 39 Years
R/o. Bilasa Dairy Mopka, Police Station Sarkanda, Tahsil And District
Bilaspur Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through : The Station House Officer, Police Station
Sarkanda, District Bilaspur Chhattisgarh

---- **Respondent**

For Applicant : Mr. Uttam Pandey, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

10-01-2017

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 7-8-2016 in connection with Crime No. 519 of 2016, registered at Police Station Sarkanda, District Bilaspur (CG) for the offence punishable under Sections 376, 455 of the IPC and Section 3(1)(xii) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. Case of the prosecution, in brief, is that a report was made by the prosecutrix on 6-8-2016 that on 4-10-2016 at 10.00 pm the applicant entered to her house and thereafter committed forcible rape on her and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the prosecutrix was a major lady and she was a consenting party. Subsequently, all the allegations have been diluted and she has sworn the

affidavit in favour of the present applicant. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 11-8-2016 and no further investigation is required, therefore, he may be released on bail.

4. State was directed to verify about the copy of the affidavit sworn by the prosecutrix. On verification it is stated that the affidavit has been sworn by the prosecutrix.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the statements of the prosecutrix and also her husband.
7. Taking into consideration the facts and circumstances of the case and further considering the statement of the prosecutrix and also the statement of her husband, without further observation on the merits of the case, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju