

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7749 of 2016

- Kapil Sai Painkra S/o Gurubaru Sai Painkra Aged About 29 Years Caste- Kavar, R/o Village- Faradbahar, Thana- Tumla, Tahsil- Farsababar, District- Jashpur, Chhattisgarh, Civil And Revenue District Jashpur, District- Jashpur, Chhattisgarh

---- Petitioner

Versus

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

---- Respondent

For Applicant : Mr. Manoj Chauhan, Advocate

For Respondent/State : Mr. Arvind Shukla, 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 17-7-2016 in connection with Crime No. 41 of 2016, registered at Police Station Tumla, District Jashpur (CG) for the offence punishable under Sections 342, 306, 457 & 376 of the IPC.
2. Case of the prosecution, in brief, is that a report was made by the prosecutrix on 16-7-2016 that on 13-7-2016 at 10.00 pm the applicant entered to her house, assaulted her 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 applicant has been falsely implicated in the case, it is a case of consent and at the relevant time son of of the prosecutrix was also there and his statement was also recorded. He would further submit that first information

was delayed by three days, charge-sheet has been filed in this case, the applicant is in jail since 17-7-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, State counsel opposes the prayer for grant of bail application.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the statements of the prosecutrix recorded under Section 161 and 164 of the Cr.P.C., and also the map.
7. Taking into consideration the facts and circumstances of the case and further considering the statements of the prosecutrix and map, 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