

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8325 of 2016

- Dilip Sahu S/o Dilharan Sahu Aged About 30 Years R/o Khamhariya, Tahsil- Berla, Thana / District- Bemetara, Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through- Thana- City Kotwali, District- Bemetara, Chhattisgarh

---- **Respondent**

For Applicant : Mr. Samir Singh, Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02-01-2017

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 25-11-2016 in connection with Crime No. 698 of 2016, registered at Police Station City Kotwali, District Bemetara (CG) for the offence punishable under Sections 376, 450, 506-B of the IPC.
2. Case of the prosecution, in brief, is that a report was made by the prosecutrix that on 24-11-2016 while she was working at Kota, the applicant came there, caught hold of her and thereafter committed forcible sexual intercourse with her and when her husband came there, the applicant fled away from the spot 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, prosecutrix

was a major lady and the way in which incident occurred would show that she was a consenting party. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 25-11-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and other documents.
6. Perused the statements of the prosecutrix recorded under Sections 161 and 164 of the Cr.P.C. It appears that the prosecutrix is a major lady.
7. Taking into consideration the facts and circumstances of the case, considering the statements of the prosecutrix, 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