

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

**MCRC No. 8509 of 2016**

- Dilip S/o Patanga @ Patangu Sahu, Aged About 40 Years  
Occupation Agriculturist, R/o Village Jevra, Police Station  
Nawagarh, District Bemetara, Chhattisgarh

---- **Petitioner**

**Versus**

- State of Chhattisgarh Through Police Station Nawagarh, District  
Bemetara, Chhattisgarh

---- **Respondent**

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For Applicant : Mr. P.P. Sahu, Advocate

For Respondent/State : Mr. U.K.S. Chandel, Panel Lawyer  
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**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**09-01-2017**

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 8-12-2016 in connection with Crime No. 182 of 2016, registered at Police Station Nawagarh, District Bemetara (CG) for the offence punishable under Sections 457, 450 & 376 of the IPC.
2. Case of the prosecution, in brief, is that 24-10-2016 a report was made by the prosecutrix that on 23-10-2016 present applicant entered into her house and tried to commit theft and when she raised alarm the applicant fled away from the spot. Again a report was made on 1-12-2016 that on that day the applicant committed forcible rape on her and thereby the aforesaid offence has been committed.

3. Learned counsel appearing for the applicant would submit that the prosecutrix was a married lady aged about 27 years and she was a consenting party and when the prosecutrix and applicant were seen in a compromising position by the husband of the prosecutrix, a false report has been made against the applicant. He would further submit that false allegations have been leveled against the applicant, charge-sheet has been filed in this case, the applicant is in jail since 8-12-2016 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 statement of the prosecutrix.
7. Taking into consideration the facts and circumstances of the case and further considering the statement of the prosecutrix and two reports, 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

