

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8574 of 2016

Virendra Singh Sidar, S/o. Shiv Sidar, Aged About 23 Years, R/o. Kekrabhanth, Police Station & Tahsil- Dabhra, District- Janjgir- Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station- Dabhra, District- Janjgir- Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. H.S.Patel, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

11/01/2017

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 in connection with Crime No.244/2016 registered at Police Station- Dabhra, District Janjgir-Champa (C.G.) for the offence punishable under Section 376 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by the prosecutrix on 28.07.2016 that the applicant on 16.07.2016 forcefully committed rape and thereafter assured the prosecutrix to marry and kept her in the house of his friend and on the pretext of marriage committed sexual intercourse.
3. Learned counsel for the applicant would submit that the prosecutrix is a married lady and she was a consenting party and no offence has been committed, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary, statement of Itwar Das, father of the prosecutrix and statement of the prosecutrix recorded under Section 161 & 164 of Cr.P.C. Taking into such statements, without any observation on merit, considering the facts and circumstances of the case, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge