

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8650 of 2016

Ropan Paikara, S/o. Shri Jaladhu Paikara, Aged About 38 Years, R/o. Village Kanthi, Thana- Darima, Civil & Revenue District Surguja, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station- Darima, Civil & Revenue District- Surguja, Chhattisgarh.

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate

For Respondent : Mr. Avinash K. Mishra, Panel Lawyer

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.103/2016 registered at Police Station- Darima, District Surguja (C.G.) for the offence punishable under Section 366, 376, 450, 376(2)(n) of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by the mother of the victim on 22.07.2016 that on 26.06.2016 when she went to her relatives' house to joint the marriage, at that time, her daughter was missing for some time and when she came back, on enquiry, it was found that the present applicant has committed forceful sexual intercourse by taking her away.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated, the incident is alleged to be on 26.06.2016 and the medical report which was conducted after the

incident shows that the hymen is intact and no injury was seen, therefore, it would show that she was not subjected to forceful sexual intercourse and, as such, 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 and documents. The incident is alleged to be on 26.06.2016 and the report was made on 22.07.2016. The medical report also do not support the sexual intercourse as hymen is shown to be intact and the prosecutrix is also shown to be mentally and physically weak. Considering the medical report, without any observation on merit, 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