

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 8672 of 2016

Poshan Korwa, S/o. Late Mahto Korwa, aged about 27 years, R/o. Village-Pet, Police Station & Tahsil – Sitapur, District – Sarguja (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through : Station House Officer, Police Station – Sitapur, District – Sarguja (C.G.)

---- Respondent

For Applicant	:	Mr. Ramesh Chandra Shukla, Advocate
For Respondent	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

16/01/2017

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.96/2016, registered at Police Station- Sitapur, District – Sarguja (C.G.) for the offence punishable under Section 366, 376, 342 of Indian Penal Code.
2. Case of the prosecution in brief is that a report was made by the prosecutrix alleging that on 26.06.2016 while she was coming back after taking rice, the applicant caught hold of her hand and took her in the house and thereafter, committed forceful sexual intercourse and she was confined in the house, subsequently, was rescued by her husband. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and the prosecutrix is married lady and in the statement under Section 164 of Cr.P.C. she has not supported the case of the prosecution and she was a consenting party, therefore, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned State counsel opposes the bail application.

5. I have heard the learned counsel for the parties.
6. Perused the statement recorded under Section 164 of Cr.P.C. In the statement under Section 164 of Cr.P.C. the prosecutrix has denied the happening of the offence. Considering such statement, without any further observation on merits, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge