

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 549 of 2018

Gautariha Markande S/o Bhadu Markande, Caste- Satnami, aged about 35 years, R/o Village Haatbanja, P.S. Chhuikhadan, District- Rajnandgaon (C.G.).

---- Applicant

Versus

State of Chhattisgarh, through Station Chhuikhadan, District- Rajnandgaon (C.G.).

---- Respondent

For Appellant	:	Mr. Rakesh Pandey, Advocate
For Respondent	:	Mr. UKS Chandel, PL

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

22/03/2018

1. Heard.
2. The applicant has preferred first bail application filed under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 190/2017 registered at Police Station- Chhuikhadan, District- Rajnandgaon (C.G.) for the offence punishable under Sections 376 and 506-II of IPC.
3. As per prosecution story, on 30/07/2017, the prosecutrix, aged about 23 years lodged a report in the police station to the effect that on 29/09/2017 at about 10 pm, when she was going to attend the call of nature, on the way the applicant caught hold her and took her to lonely place and committed sexual intercourse. At the same time, her

husband reached on the spot and the applicant fled away.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent person and has been falsely implicated in the present case. It is further submitted that the prosecutrix is major married lady and she was consenting party, but when her husband reached at the spot, therefore, on the pressure of her husband she lodged the FIR. She was beaten by her husband as she was caught red handed with the applicant. He further submits that the charge-sheet has been filed, therefore, the applicant may be released on bail.
5. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned counsel for both the parties.
7. Considering the facts and circumstances of the case, particularly considering that the charge-sheet has already been filed; the applicant is in jail since 03/08/2017; and the prosecutrix is married lady, without further commenting on merit of the case, this court is inclined to release the applicant on bail.
8. Accordingly, MCRC. No. 549/2018 is allowed. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one surety for the like amount to the satisfaction of the trial Court. Thereafter, he will appear before the Trial Court on each and every date given by the said Court.

**Sd/-
Judge
Arvind Singh Chandel**