

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 338 of 2018

Ganga Ram Dansena S/o Laxmi Prasad Dansena, Aged About 25
Years R/o Village Khamhar P. S. Dharamjaigarh District Raigarh
Chhattisgarh --- **Petitioner**

Versus

State of Chhattisgarh through Police Station Kapu, District Raigarh
Chhattisgarh , Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Vineet Kumar Pandey, Advocate.
For the Respondent	:	Mrs. Madhunisha Singh, P.L.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21.03.2018

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.91/2017 registered at Police Station Kapu, Distt. Raigarh (C.G) for the offences punishable under Sections 376 of IPC and section 3(1)(Da) (Ba) (1) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. As per the prosecution case, on 19.8.2017 the applicant took away the prosecutrix on the allurements of marriage, travelled to different places along-with her and committed forcible sexual intercourse and on 22.8.2017 when the mother and father of prosecutrix reached to Raigarh, the applicant fled away and also extended threat to kill.
3. Learned counsel for the applicant submits that the prosecutrix was a major lady and she was consenting party and she travelled from place to place along-with the applicant of her own, therefore, no case is made out against

the applicant. He further submits that the charge sheet has been filed; no further investigation is required and the applicant is in jail since 28.10.2017, therefore, he may be released on bail.

4. Per contra, learned State Counsel opposes the bail application.
5. Perused the case diary documents as also the statements of the prosecutrix recorded u/s 161 Cr.P.C. & 164 Cr.P.C. Considering the same, without any further observation on merits of the case, I am inclined to allow this bail application.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**