

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 591 of 2018

Sudeep Gond @ Munda S/o Shri Suraj Lal Gond (Sidar) Aged About
32 Years Caste Gond R/o Village Odekera Police Station & Tahsil
Pusaur, District Raigarh Chhattisgarh, --- **Petitioner**

Versus

State of Chhattisgarh through the Magistrate, Raigarh through Office
In Charge of Police Station Pusaur District Raigarh Chhattisgarh,
--- **Respondent**

For the applicant	:	Mr. Roop Naik, Advocate.
For the Respondent	:	Mrs. Madhunisha Singh, P.L.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26.03.2018

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. 209/2017 registered at Police Station Pusaur, Distt. Raigarh (C.G) for the offences punishable under Sections 376 & 506 IPC.
2. As per the prosecution case, a report was made by the victim that on 27.10.2017 she had gone to the field along-with her friend Shobha. At that time, the applicant came there and managed her friend to go away and thereafter took the prosecutrix to the field and committed rape. Subsequently he kept her in his house on the pretext of marriage and used to commit sexual intercourse for a certain period and thereafter she was evicted from the house.
3. Learned counsel for the applicant submits that the prosecutrix was major lady of 25 years of age and as per the statements recorded u/s 161 and 164 of Cr.P.C., it appears

that she was consent party, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application.
 5. Perused the statement of prosecutrix and her statements recorded u/s 161 & 164 of Cr.P.C. Considering such statements and age of the prosecutrix, 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**