

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1870 of 2018

Sanjay Singh Thakur S/o Ramkumar Sahu Aged About 27
Years Occupation- Labourer, R/o- Shivanagar, Kewdabadi,
Raigarh, Police Station City Kotwali, Tahsil and District-
Raigarh, Chhattisgarh. --- Applicant

Versus

State of Chhattisgarh Through- Station House Officer, Police
Station- City Kotwali, District- Raigarh, Chhattisgarh.

---- Respondent

For the applicant	:	Mr. Ashish Gupta, Advocate.
For the Respondent	:	Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26.04.2018

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. 41/2018 registered at Police Station City Kotwali, District- Raigarh (C.G) for the offences punishable under Sections 376 of IPC.
2. As per the prosecution case, a report was made by the victim on 19.01.2018 alleging that on 18.01.2018 while she was taking rest in the house, the applicant came there and forcefully committed sexual intercourse with her and thereafter she was saved by the wife of applicant.
3. Learned counsel for the applicant submits that the age of the prosecutrix was 63 years and false allegations have been made and even if her statement is accepted, it would lead to show that she was a consenting party.
4. Per contra, learned State Counsel opposes the bail

application.

5. Perused the statement of victim recorded under section 164 of Cr.P.C. as also the medical report. Considering the same as also the fact that the charge-sheet has been filed and the applicant is in jail since 12.02.2018, 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**