

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.3922 of 2018**

- Khemram Patel S/o Resham Lal Patel, Aged About 36 Years Caste Patel, R/o Dhawaibhatha (Charpara), Police Station And Tahsil Sakti, District Janjgir Champa Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sakti, District Janjgir Champa Chhattisgarh.

---- Respondent

For Applicant	: Shri KK Pandey, Advocate
For respondent/State	: Shri Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****27.6.2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, for grant of bail to the applicant who has been arrested on 05.5.2018 in connection with Crime No.266/2018, registered at Police Station Sakti District- Janjgir Champa (CG) for the offence punishable under Sections 376, 450 & 506 of the Indian Penal Code.

2. Case of the prosecution is that present applicant entered into the house of the prosecutrix and committed sexual intercourse with her against her will and consent.

3. Learned counsel for the applicant submits that age of the prosecutrix is 25 years and as per her statement recorded under Section 164 CrPC, no offence of rape was committed against her

will by the appellant. The appellant is in jail since 05.05.2018, he may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.

5. I have heard learned counsel for the parties and perused the case diary.

6. Looking to the above facts and circumstances of the case, without further commenting on the merits of the case, I am inclined to allow the application.

7. Accordingly, application filed under Section 439 of the CrPC is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one local surety in the like amount to the satisfaction of the concerned trial Court. He shall appear before the trial Court regularly on each and every date, unless exempted from appearance.

Sd/-

(Ram Prasanna Sharma)

JUDGE