

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3973 of 2018

Vijendra Rao Bhosle, Aged about 27 years, S/o Late Shri Nageshwar Rao, R/o-
Nutan Chowk, Sinchaai Vibhaag Clony, Sarkanda, P.S.- Sarkanda, District-
Bilaspur (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through- SHO, Police Station- Sarkanda, Distt. Bilaspur
(C.G.).

---- Respondent

For Applicant	:	Mr. Achyut Tiwari, Advocate
For Respondent	:	Mr. Ramakant Pandey, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

27/06/2018

1. The applicant has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 299/2018 registered at Police Chowki- Thana- Sarkanda, District- Bilaspur (C.G.) for the offence punishable under Section 376 of IPC.
2. As per prosecution story the prosecutrix is a working lady, aged about 40 years. In the year 2014, her friendship developed with the present applicant and the applicant proposed her for marriage, which she agreed. It is alleged that in the month of December, when she came to Bilaspur, the applicant took her to his house and committed sexual intercourse with her. Later on, he refused to marry with the prosecutrix. The matter was reported and the offence was registered. The applicant was arrested on 05/05/2018.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that the alleged matter is of the year 2015 and the report has been lodged in the year 2018. The prosecutrix is a major lady, aged about 40 years. From the evidence collected by the prosecution, it reveals that she was the consenting party. He further submits that the applicant is in custody since 05/05/2018 and charge-sheet has been filed, therefore, the applicant may be released on bail.
4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the above facts and circumstances of the case, particularly considering that the prosecutrix is aged about 40 years and the matter was reported after 3 years, without further commenting on merit of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 10,000/- 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