

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4391 of 2018**

Rupak Chhatre S/o Ramji Chhatre Aged About 22 Years R/o- Village
Paikin, Thana Saraipali, District- Mahasamund, District
Mahasamund, Chhattisgarh --- **Petitioner**

Versus

State of Chhattisgarh through- Station House Officer, Police Station-
Basna, District : Mahasamund, Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Vikash Pradhan Advocate.
For the Respondent	:	Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****16.07.2018**

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. 165/2018 registered at Police Station Basna, Distt. Mahasamund (C.G) for the offences punishable under Sections 376 of IPC.
2. As per the prosecution case, on 19.04.2018 at about 2 a.m., while the prosecutrix was sleeping in the house with her children the applicant came there and forcibly committed sexual intercourse with her.
3. Learned counsel for the applicant submits that the applicant is related to the prosecutrix and she was consenting party and major, therefore, no offence has been committed.
4. Per contra, learned State Counsel opposes the bail application. .
5. Perused the statement of the prosecutrix aged about 29 years and the medical report. Considering the same, without

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**