

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4530 of 2018**

Hulesh Kumar, S/o. Rupram Sahu, Aged About 23 Years, R/o- Village-
Bhendarwani, Police Station- Bhakhara, District- Dhamtari, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through- Station House Officer, Police Sation-
Bhakhara, District- Dhamtari, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. D.N. Prajapati, Advocate
For Respondent	:	Mrs. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****16/07/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 74/2018, registered at Police Station- Bhakhara, District – Dhamtari (C.G.) for the offence punishable under Section 450 & 376 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 13.04.2018. No case is made out against him on the basis of the material present in the charge-sheet. The prosecutrix is a major lady and she is a consenting party. Hence, it is prayed that the applicant may be enlarged on bail.
3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect.

4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. As per the prosecution case, on 13.04.2018 at about 3.30 AM in the morning hours, in absence of the husband of the prosecutrix, the applicant forced his entry into the residence of the prosecutrix and committed the offence of rape with her. During the commission of the said offence, the husband of the prosecutrix came back and saw the applicant with his wife, the prosecutrix and thrashed the applicant. Thereafter, the applicant made his escape and FIR has been lodged on the same day.
6. Considered the submissions made and the contents of the case diary. Considering on all the material present in the charge-sheet and further taking into consideration this fact that the medical examination of the prosecutrix does not show any sign of injuries on her body, hence, after due consideration, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge