

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 5452 of 2018

- Ramprasad S/o Mangaluram Sahu Aged About 48 Years R/o- Village- Kanji, P.S. City Kotwali, Baloda Bazar, District- Baloda Bazar- Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station City Kotwali, District- Baloda Bazar- Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	: Shri Palash Tiwari, Advocate.
For Respondent/State	: Shri Vaibhav Goverdhan, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

23/08/2018

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime no. 280/2018, registered at Police Station City Kotwali, District Baloda-Bazar (C.G.) for the offence punishable under Sections 376 & 506 of the IPC.
2. As per the prosecution story, on 26-05-2018 about 10 AM, prosecutrix a marriage lady aged about 30 years was working at the field at her village. It is alleged that in the meantime applicant came and committed forcefully sexual intercourse with the prosecutrix. During the course of committing rape the husband of the prosecutrix came there and on being shouting, applicant fled away from the spot, thereafter report has been lodged by the prosecutrix and the applicant was arrested on 27-05-2018.
3. Shri Palash Tiwari, learned counsel appearing on behalf of the Applicant submits that applicant is innocent and he has been falsely implicated in the present case, the prosecutrix is a major lady and

from the evidence collected by the prosecution itself shows that she is a consenting party. Since, prosecutrix and applicant were seen by the Husband of the prosecutrix in compromise position, therefore, on the pressure given by the Husband of the prosecutrix, she lodged the report. He further submits that the applicant is in custody since 27-05-2018, charge-sheet has already been filed and trial will likely to take some time, therefore, applicant may be released on bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case and evidence collected by the prosecution, further considering the fact that the, applicant is in custody since 27-05-2018, charge-sheet has already been filed and trial will likely to take some time, without further commenting on merits 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. 20,000/- with one surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)

Judge