

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6008 of 2018

Ghanshyam Thakur S/o Toman Lal, aged about 47 years R/o Village- Selud,
Police Station- Utai, Tahsil- Patan, District Durg (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station- Mohan
Nagar, Durg, Distt. Durg (C.G.).

---- Respondent

For Applicant	:	Mr. B.P. Singh, Advocate
For Respondent	:	Mr. Anil Pandey, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

20/09/2018

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. 251/2018 registered at Police Station- Mohan Nagar, Distt. Durg (C.G.) for the offence punishable under Sections 376, 506 and 109 of the IPC.
2. As per prosecution story, the prosecutrix, a girl aged about 23 years had left her parents house since childhood and since then she is living with her Aunt at Utai. The applicant used to visit there since last 4-5 years. It is alleged that on 09/04/2017, the applicant forcibly took the prosecutrix towards Katulbord in the house of his maternal uncle, where he committed sexual intercourse with the prosecutrix. Thereafter, on 15/04/2017 also, the applicant took her towards Katulbord in the house of his maternal uncle and committed sexual intercourse with her. The prosecutrix narrated the incident to her friend Lavanya and made a report. On the basis of the said report, the

offence has been registered and the present applicant and his maternal uncle namely- Babulal have been arrested.

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 incident happened on 09/04/2017 and 15/04/2017 and the FIR has been lodged on 04/07/2018. The prosecutrix is a major lady and from the evidence it seems that she was consenting party. He further submits that the applicant is in custody since 05/07/2018 and the trial will likely to take some time, 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 entire facts and circumstances of the case, particularly considering that the incident happened on 09/04/2017 and 15/04/2017 and the FIR has been lodged on 04/07/2018, the prosecutrix is a major lady and from the evidence it seems that she was the consenting party, 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