

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6553 of 2018

- Hemchand Agrawal S/o Late Shri Radhakishan Agrawal Aged About 48 Years R/o- Ward No. 6, Agrasen Marg, Sariya, P.S. Sariya, Tahsil Baramkela, District- Raigarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- The Station House Officer, Police Station Sariya, District- Raigarh, Chhattisgarh.

---- Respondent

 For Applicant : Shri B.D. Guru, Advocate
 For Respondent/State : Shri Vivek Sharma, Govt. Advocate

Hon'ble Shri Justice Ram Prasanna Sharma
Order On Board

09/10/2018

1. Heard the matter finally.
2. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.105/2018 (Cr.Case No.831/2018), registered at Police Station Sariya, District Raigarh(CG) for the offence punishable under Sections 376, 354(ग), 509(ख) of the IPC and Section 67 of the Information Technology Act, 2000.
3. As per the case of prosecution, family of the prosecutrix and the applicant were having friendly relations and the applicant used

to visit the house of the prosecutrix frequently. On one occasion when the applicant went to the house of the prosecutrix, no one was present there and the applicant taking advantage of this situation, committed rape on her and made video clipping of the same and thereafter by showing the video clipping, he maintained physical relations with the prosecutrix.

4. Learned counsel for the applicant submits that the prosecutrix is major and she is a consenting party and she was having physical relations with the applicant on her own will. The First Information Report is delayed by about 2½ years and the trial may take some time, therefore, the applicant may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.

6. Perused the entire material available on record.

7. Considering the facts and circumstances of the case, particularly considering that the prosecutrix is a major lady and the incident took place for a long time between 5.1.2015 to 15.11.2017, without further commenting anything on merits, I am inclined to release the applicant on bail.

8. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.

9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.

10. Certified copy as per rules.

Sd/

(Ram Prasanna Sharma)
JUDGE

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