

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7372 of 2018

Guddu @ Nehru, S/o. Domu, Aged About 20 Years, R/o. Village Neganar,
Post Kachnar, District Bastar, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through P.S. Kotwali, Jagdalpur, District Bastar,
Chhattisgarh.

---- Respondent

For Applicant : Mr. Vikas A. Shrivastava, Advocate

For Respondent : Mr. Aditya Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29.10.2018

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.47/2018 registered at Police Station- Kotwali, Jagdalpur, District Bastar (C.G.) for the offence punishable under Section 376 of Indian Penal Code.
2. As per the prosecution case, on 01.02.2018 the husband of the prosecutrix went to Mela and when he returned, he found that the present applicant has forcefully committed rape with the prosecutrix and thereafter the report was made.
3. Learned counsel for the applicant submits that the prosecutrix was major lady of 40 years and she was a consenting party and she has not supported the case of the prosecution, therefore, the applicant may also be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.

5. Perused the statement of the prosecutrix examined as PW-1. Considering the fact that she has not supported the case of the prosecution, without any observation on merit, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on 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.

Sd/-
(Goutam Bhaduri)
Judge