

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 534 of 2019**

Devnarayan S/o Jeetray Aged About 68 Years R/o Village Tedma ,police Station And Tahsil Khadgawa District Korea Chhattisgarh.,
District : Koriya (Baikunthpur), Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer ,police Of Police
Station Khadgawa ,disrtrict Korea Chhattisgarh., District : Koriya
(Baikunthpur), Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Anil Gulati, Advocate
For the State	:	Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**07/02/2019**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.105/2018 registered at Police Station Khadgawa, District Korea (C.G.) for the offence punishable under Section 376 of IPC.
3. Case of the prosecution, in brief is that prosecutrix is about 48 years old. She is resident of village Tedma, P.S. Khadgawa. On 15/08/2018 her husband gone to field for agriculture work. She had gone in the house of her Nandoi-applicant. Applicant was alone in the house. Applicant locked the door and committed forcible sexual intercourse with her. Her husband reached in the house of applicant searching her. Hearing the sound of her, her husband pushed the door and enter in the house and saved prosecutrix. FIR is delayed by eight days.
4. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
6. Counsel for the applicant further submitted that prosecutrix was allegedly

consenting party. He drew my attention on the statement of the husband of the prosecutrix recorded under Section 161 of CrPC.

7. As per the statement of the husband of the prosecutrix recorded under Section 161 of CrPC during the searching of prosecutrix he went to the house of applicant and saw that applicant was committing sexual intercourse with his wife. He beat the applicant and return back alone in his house.
8. Looking to the facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, it is directed that if the applicant furnishes one solvent surety for a sum of Rs. 25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Court with the condition that he shall appear before the trial Court at 11.00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde