

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4856 of 2019**

Rahul Sandra S/o Shankar Sandra Aged About 19 Years R/o Nayapara,
Tamlapalli, P.S. Madded, District- Bijapur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through P.S.- Madded, District- Bijapur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Vedant Bhelonde, Advocate.
For the Respondent/State	:	Shri Priyanshu Gupta, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****20.08.2019**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.17 of 2019, registered at Police Station – Madded, District – Bijapur, Chhattisgarh for the offence punishable under Sections 376 and 506B of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 26.3.2019 and has been falsely implicated in this case. The prosecutrix in this case is a major woman and she had been a consenting party throughout. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the statement of the prosecutrix is clear that the physical relation with the applicant was without her consent and willingness. Hence, the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, the applicant and the prosecutrix were acquainted to each other for about more than two years. The applicant forced the prosecutrix to come to his village on 28.2.2019, accepting his invitation the prosecutrix came to the village of the applicant and resided in the house of his uncle for two days and on both the days the applicant by promising to marry her had physical relation with her.

6. Considering the fact that the prosecutrix on her own went to the place of the applicant on his invitation and also she resided there continuously for two days without raising any objection, therefore, I feel inclined to grant bail to the applicant in this case.

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

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)

Judge