

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5814 of 2019

- Sukhechand Ghritlehre S/o Bhurwa Gharitlehre, Aged About 40 Years R/o Village Sundari, Post Sasha, Police Station Palari, Balodabazar District Balodabazar - Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station - Palari, District Balodabazar - Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

 For Applicant : Ms. Shivali Dubey, Advocate
 For Objector : Shri Yogesh Chandra, Advocate
 For Respondent/State : Shri Anil Tripathi, Panel Lawyer

Hon'ble Smt. Justice Rajani Dubey
Order On Board

18.11.2019

1. Heard.
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.297/2019, registered at Police Station Palari, District Balodabazar-Bhataapara (CG) for the offence punishable under Sections 376, 506 of the IPC.
3. As per the case of prosecution, the prosecutrix lodged a report that she is living with her husband at village Sundari and she has a daughter aged about 2 years. On 19.7.2019, the applicant along with one person came to her house and enticed her and the applicant committed rape on her.
4. Learned counsel for the applicant submits that the applicant has not committed any offence. The prosecutrix is a married

lady aged about 26 years and she was consenting party. He further submits that the applicant is in jail since 21.7.2019 and trial may take some time for its final disposal therefore, the applicant may be released on bail.

5. On the other hand, learned counsel for the State as well as learned counsel for the Objector oppose the bail application.
6. Perused the entire material available on record.
7. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant and that the applicant is in jail since 21.7.2019, I am of the opinion that present is a fit case 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/

(Rajani Dubey)
JUDGE