

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6066 of 2019

- Budharu Ram Sahu S/o Bhagwat Sahu Aged About 24 Years R/o Village Paneka, Out Post- Dashrangpur, Police Station- Pipariya, District- Kabirdham, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through District- Magistrate, Kabirdham, Chhattisgarh, Station House Officer, Police Station- Kawardha, District- Kabirdham, Chhattisgarh.

---- Respondent

For Applicant : Shri Dharmesh Shrivastava, Advocate.
For Respondent/State : Shri Ajay Kumrani, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

25/09/2019

1. The Applicant has preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 179/2019, registered at Police Station – Kawardha, District - Kabirdham, (C.G.) for the offence punishable under Sections 376, 323, 506 of Indian Penal Code.
2. Vide order dated 16/05/2019 passed in MCRC No. 3132/2019 first bail application of the Applicant was dismissed as withdrawn with liberty to file afresh after examination of prosecutrix before the trial Court.
3. In this case, prosecutrix is a married lady aged about 27 years. On 08.04.2019 prosecutrix lodged a written report in the police station alleging therein that in the night of 07.04.2019 around 11:00 p.m. in

the presence of her husband, Applicant committed forcible sexual intercourse with her. Applicant also threatened and assaulted her with hand and fist. On the basis of the said report, offence has been registered. Applicant has been taken into custody on 09.04.2019.

4. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case due to some previous dispute with the husband of the prosecutrix with regard to some money transaction between them. From the contents of the written complaint and from statements of the prosecutrix recorded before the trial Court, entire story seems to be suspicious. It is further submitted that, if the entire case of the prosecution is taken as it is, prosecutrix seems to be a consenting party. Applicant is in custody since 09.04.2019 and trial is likely to take some time. Therefore, he may be released on bail.
5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicant is in custody since 09.04.2019 and trial is likely to take some time, without further commenting on other merits of the case, I am inclined to release him on bail.
8. Accordingly, the bail application is allowed.

9. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge