

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3223 of 2020**

- Sulap Ram S/o Sandud Aged About 26 Years R/o Neelkanthpur, Nichatpur, PS Kusmi, District Balrampur-Ramanujganj Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Kusmi, District Balrampur-Ramanujganj Chhattisgarh.

---- Respondent

For Applicant	:-	Mr. Hariom Rai, Advocate
For Respondent-State	:-	Mr. K.K. Singh, G.A.

Proceedings through Video Conferencing**Hon'ble Shri Justice Prashant Kumar Mishra**
Order On Board**03/09/2020**

1. Heard.
2. The applicant has preferred this application under Section 439 of the Cr.P.C. for grant of regular bail as he is arrested in connection with crime No.24/2020 registered in Police Station Kusmi, District Balrampur- Ramanujganj for the offence punishable under Sections 376, 450, 323 of the I.P.C.
3. Case of the prosecution, in brief, is that applicant allegedly entered the house of the prosecutrix aged about 35 years, at about 08 pm on 10.03.2020, gagged her mouth and took her to a nearby forest area

and committed forcible sexual intercourse. On the prosecutrix's resistance he assaulted over her head. The FIR was lodged on the very next day of incident i.e., on 11.03.2020.

4. In the MLC report, the prosecutrix was not found to have sustained any head injury. Opinion about commission of rape is also inconclusive. It is also to be seen that as per allegation prosecutrix was taken from her house but there is no mention as to whether other family members were available in the house or not. If other members were available, it is doubtful as to why they did not object to the applicant's act.
5. Considering all relevant aspects of the matter as also looking to the detention period of the applicant and the charge sheet has already been filed, this Court is inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and the applicant is directed to be released on bail on executing a personal bond for a sum of ₹50,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

SD/-

(Prashant Kumar Mishra)
Judge

Ayushi