

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6672 of 2020

Prem @ Budhram Chouhan S/o Guharam Chouhan Aged
About 30 Years R/o Village Bhainsar, Police Station And Tahsil
Sarangarh, District Balodabazar Bhatapara Chhattisgarh.

--- Applicant

Versus

State of Chhattisgarh through Station House Officer, Police
Station Sarsiva, District Balodabazar Bhatapara Chhattisgarh.

-- Respondent

For the applicant	:	Mr. Raghavendra Pradhan, Advocate
For the State	:	Mrs. Richa Shukla, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.12.2020

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.250 of 2020 registered at Police Station Sarsiva, Distt. Baloda Bazar/ Bhatapara (C.G) for the offences punishable u/ss 457, 376 & 511 of IPC.
2. As per the prosecution case, the applicant on 20.07.2020 entered into the house of prosecutrix and tried to commit rape and outrage of her modesty.
3. Learned counsel for the applicant would submit that the allegation of rape is not attributed in the statement recorded u/s 164 of Cr.P.C., and further the prosecutrix is stated to be 65 years old and initially the allegation was made that Rs.10,000/- was looted from he but that too was subsequently diluted. He submits that the applicant is in jail since 24.07.2020 and he may be released on bail.

4. On the other hand, learned State Counsel opposes the bail application.
 5. Perused the statement of prosecutrix u/s 161 Cr.P.C. Considering such statement of prosecutrix and the nature of allegations as also the fact that the charge has been filed and the applicant is in jail since 24.07.2020, I am inclined to allow this bail application.
 6. Accordingly, this application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.
- C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**