

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6552 of 2020**

Sanjay Yadav, S/o. Shri Rajkumar, Aged About 21 Years, R/o. Sarvamangala
Para Korba, P.S. Kotwali, Tahsil And District Korba Chhattisgarh

---- **Applicant**

Versus

State Of Chhattisgarh, Through The Station House Officer, Police Station
Kotwali, District Korba Chhattisgarh

---- **Respondent**

For Applicant : Mr. Basant Kaiwartya, Advocate.

For Respondent/State : Ms. Sunita Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15.12.2020

1. This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 02.09.2020 in connection with Crime No.746/2020 registered at Police Station Kotwali, District Korba, for the offence punishable under Section 376, 458, 506, 323 of Indian Penal Code.
2. As per the prosecution case, on 02.09.2020 the applicant forcefully entered into the house of the prosecutrix and thereafter forcefully committed sexual intercourse and when the husband of the prosecutrix came, the applicant tried to fled away and the report was made and prosecutrix was also assaulted.
3. Learned counsel for the applicant submits that the prosecutrix is a married lady and she was a consenting party and with the consent of the prosecutrix he entered into the house of the prosecutrix and when the husband came, false report has been made; therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.

5. Perused the statement of the prosecutrix. Considering the statement without any further observation on merit, I am inclined to release the applicant on bail.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum 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/-
(Goutam Bhaduri)
Judge

Ashok