

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2019 of 2021**

Hemant Kumar Sahu, S/o Narendra Sahu, Aged About 19 Years R/o Village Saddu, Police Station - Dharsinva, District – Raipur, Chhattisgarh.

--- Applicant

Versus

State of Chhattisgarh through the Station House Officer,
Police Station - Dharsinva, District Raipur Chhattisgarh.

--- Respondent

For the applicant	:	Mr. Devershi Thakur, Advocate.
For the Respondent	:	Mr. Ashish Tiwari, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order on Board**

26.07.2021

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 Crime No.91/2021 of Police Station Dharsinva, Distt. Raipur (C.G) for the offences punishable under Sections 376, 506 of IPC.
2. As per the prosecution case, on 18.02.2021, the prosecutrix was called by the applicant to the field (Badi) and thereafter committed forcible sexual intercourse, for which, the report was lodged on 19.02.2021.
3. Learned counsel for the applicant submits that the prosecutrix is a major lady and was a consenting party and both were studying together. He submits that since she herself went along-with the company of the applicant and subsequently they were found in a compromising position by the family members, as such, the report was made.

4. Per contra, learned State Counsel opposes the bail application.
 5. Having considered the place of incident which is a deserted place i.e., Badi, situated at a short distance from her house and the time was 11.30 in the night and further as per the medical report, no injury has been found on the body of prosecutrix as also the fact that charge sheet has been filed and the applicant is in jail since 20.02.2021, without any observation on the merits of the case, I am inclined to allow this bail application.
 6. Accordingly, the bail 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**