

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 2023 of 2021

Rajeshwar Yadav S/o Shri Bhulau Ram Yadav, Aged About 30 Years R/o Village Risda, Thana Baradwar District Janjgir Champa, Chhattisgarh.

--- Applicant

Versus

State of Chhattisgarh through Station House Officer, Police Station Baradwar District Janjgir Champa Chhattisgarh.

--- Respondent

For the applicant	:	Mr. Sunil Sahu, Advocate.
For the State	:	Mr. Ashish Tiwari, Govt. Advocate.

Hon'ble Shri Justice Goutam BhaduriOrder on Board06.07.2021

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 connection with Crime No.353/2020 registered at Police Station Baradwar, Distt. Janjgir Champa, (C.G) for the offence punishable under Sections 376 of IPC.
2. As per the prosecution case, a report was lodged that on 01.12.2020 at 6 p.m., while she was going back to her home after finishing her work, a person came to her and asked to take lift upto her village and she boarded the motorcycle to reach her village. After travelling for certain distance, on suspicion, the prosecutrix jumped from the motorcycle and started running towards her village Bagodih. The applicant chased her with motorcycle, caught hold of her and dragged her to the field where he committed forcible sexual intercourse.

3. Learned counsel for the applicant submits that the prosecutrix is major lady of aged about 28 years. He submits that initially no name was disclosed in FIR and the way the offence has been committed, she is a consenting party.
 4. Per contra, learned State Counsel opposes the bail application and submits that by force, the rape was committed.
 5. Having considered the statement of prosecutrix, without further observation on 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**