

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2222 of 2021**

- Raju Patle S/o Shri Mayaram Patle Aged About 21 Years R/o Village - Sundareli, Police Station - Nagarada, Tahsil Sakti, Civil And Revenue District- Janjgir-Champa Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station - Nagarada, Civil And Revenue District- Janjgir-Champa Chhattisgarh

---- Respondent

For Applicant : Shri Paras Mani Shriwas, Advocate

For Respondents/State : Shri Gagan Tiwari, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order****13/07/2021**

Heard.

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 08.02.2021 in connection with Crime No.10/2021 registered at Police Station Nagarada, District Janjgir-Champa (CG) for the offence punishable under Sections 376, 376 (2) (F) of I.P.C.
2. As per the prosecution case, the prosecutrix was married with the brother of the present applicant namely Anil Patle and out of the wedlock one child was also born. On 26.01.2021 when Anil Patle was not at home at that time his brother

i.e. the present applicant forcefully committed sexual intercourse with the prosecutrix, therefore, the offence is committed.

3. Learned counsel for the applicant submits that the sister of the present applicant has made a report against Ram Ratan Bhardwaj under Section 376 of IPC on 27.01.2021 and Ram Ratan Bhardwaj is the brother of the prosecutrix, therefore, in order to avenge the issue, the false report has been lodged on 06.02.2021. He would, therefore, pray that the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statements. Considering the statement of the prosecutrix and the FIR against Ram Ratan Bhardwaj is also on record wherein the FIR was shown to be lodged on 27.01.2021. Taking into the facts and background and the age of the prosecutrix she is a major and the charge-sheet in this case has been filed. Furthermore, taking into the fact that the present report was made after the earlier report was made by the sister of the applicant, which has a significance, I am inclined to release the applicant on bail.
6. Accordingly, the 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 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