

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 2274 of 2021

Vidya Vinit Goutam S/o Satish Kumar Goutam Aged About 25 Years
 Occupation Private Service, R/o Village Badi Hardi, Police Station
 Baikunthpur District Rewa Madhya Pradesh.
--- Applicant

Versus

State of Chhattisgarh through the Station House Officer, Kotwali
 Ambikapur, (Chowki Madipur), District : Surguja (Ambikapur),
 Chhattisgarh
--- Respondent

For the applicant	:	Mr. Jitendra Shrivastava, Advocate.
For the State	:	Mr. Aditya Bharadwaj, Panel Lawyer

Hon'ble Shri Justice Goutam BhaduriOrder on Board13.07.2021

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. 446 of 2020 registered at Police Station Kotwali, Ambikapur (C.G) for the offences punishable under Sections 376(2)(Dha), 506 of IPC.
2. As per the prosecution case, a report was lodged by the prosecutrix on 10.08.2021 that prior to 4 years, the applicant and prosecutrix were living together in a rented house and on the pretext of marriage, the applicant used to commit sexual intercourse with her.
3. Learned counsel for the applicant submits that because of the fact that the cast of the applicant and the prosecutrix is not one and the same, the report has been made. It is further contended that the prosecutrix is a major lady of 28 years and both the applicant and prosecutrix were living

together as husband and wife, therefore, no forcible rape has been committed. He further submits that the applicant is in jail since 28.02.2021 and the charge sheet has been filed, therefore, he may be released on bail.

4. Per contra, learned State Counsel opposes the bail application.
5. Taking into consideration the statements recorded u/s 161 and 164 of Cr.P.C., as also the fact that the FIR prima facie appears to be delayed; charge sheet has been filed and the applicant is in jail since 28.02.2021, 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**