

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2405 of 2021**

- Kumbhakaran Sahu S/o Hinchnaram Sahu Aged About 40 Years R/o Village Supela, Police Station Bhakhara, District Dhamtari Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer Police Station Amleshwar , District Durg Chhattisgarh

---- Respondent

For Applicant : Shri Sanjeev Kumar Sahu, Advocate

For Respondents/State : Shri Ashish Tiwari, GA

Hon'ble Shri Justice Goutam Bhaduri**Order****26/07/2021**

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 01.03.2021 in connection with Crime No. 29/2021 registered at Police Station Amleshwar, District - Durg (CG) for the offence punishable under Section 376 of the Indian Penal Code.
2. As per the prosecution case, on 23.02.2021 at 2.30 AM when the prosecutrix went to answer the call of nature, the applicant came there, caught hold of her and dragged her to nearby place and committed forceful sexual intercourse.
3. Learned counsel for the applicant submits that its a case of consent as the

prosecutrix is a major lady and in the wee hours she herself had went along with the applicant and there is no evidence in this case, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Considering the statement of the prosecutrix, she is a major lady, nature of incident and also the fact that the charge-sheet in this case has been filed, 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

Ashu