

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5507 of 2020

- Doodhnath Rajwade S/o Late Agarsay Aged About 61 Years R/o Village Batra (Jhapi Para), Outpost Karanji, Police Station Vishrampur, District Surajpur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through, Station House Officer, Outpost Karanji Police Of Police Station Vishrampur, District Surajpur Chhattisgarh

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate

For Respondent : Mr. Gagan Tiwari, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05.01.2021

1. The applicant has preferred the First Bail application u/s 439 of Cr.P.C. for grant of bail as he is arrested on 24.07.2020 in connection with Crime No. 130/2020 registered at outpost Karanji Police Station Vishrampur, District Surajpur (C.G.) for offence punishable under sections 450, 376 of IPC.
2. As per the prosecution case on 23.07.2020, the applicant who is in-law (uncle) committed forceful sexual intercourse with the prosecutrix by trespassing in her house.
3. Learned counsel for the applicant would submit that the prosecutrix was consenting party and she is a married lady of about 37 years, therefore, no offence has been committed and the applicant may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the prosecutrix.

6. Considering that the prosecutrix is aged about 37 years and time of incident was 5 p.m. Further, without any observation on the merits and considering the statement of the prosecutrix, I am inclined to grant bail.
7. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on bail on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-
(Goutam Bhaduri)
Judge

Jyoti