

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 857 of 2021

Sunil Sahu S/o Radheshyam Sahu Aged About 31 Years R/o
Sagarpali, Police Station And Tehsil Saraipali District
Mahasamund Chhattisgarh ---- **Appellant**

Versus

State Of Chhattisgarh Through Police Station Saraipali District
Mahasamund Chhattisgarh ---- **Respondent**

For Appellant	: Shri Shubhank Tiwari, Advocate.
For Respondent /State	: Shri Ashutosh Mishra, Panel Lawyer.
For objector	: Shri D.K. Vishwakarma, Advocate.

Order on Board

By

Hon'ble Shri Justice Goutam Bhaduri

14/12/2021

1. The present appeal is arising out of order dated 11/01/2021 passed by the Special Judge (Atrocities), Mahasamund in Bail Application No.16/2021.
2. The appellant has preferred this appeal for grant of bail as he is arrested in connection with Crime No.370/2020 registered in Police Station Saraipali, District Mahasamund (C.G.) for offence punishable under sections 363, r/w section 34, 366, 376(D) of Indian Penal Code, 1860 and under Section 3(2)(v)क of the Scheduled Castes, Scheduled Tribes (Prevention of Atrocities) Act, 1989.
3. As per the prosecution case, the appellant took the prosecutrix from the house of her father, thereafter in a isolated place forcefully committed sexual intercourse.

4. Learned counsel for the appellant would submit that the prosecutrix have been examined before the court which would show that she is major and consenting party, therefore, the appellant may be enlarged on bail.
5. Learned State counsel and counsel for the objector opposes the prayer for grant of bail.
6. Perused the statement of the prosecutrix. At this stage, it will not be fair for either of the prosecution or accused, to evaluate the evidence. Let it be tested on merit during the course of trial alongwith the other evidence. Any observation made by this court may prejudice the trial. Therefore, at this stage, I am not inclined to allow this appeal.
7. Accordingly, the appeal is dismissed.

Sd/-

(Goutam Bhaduri)
Judge