

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8209 of 2020**

- Chandrakant Sidar S/o Baliram Sidar Aged About 34 Years
R/o Village Khairpur, Limidih, P. S. Kotra Road Raigarh,
Tahsil And District Raigarh Chhattisgarh

----Applicant

Versus

- State Of Chhattisgarh Through The Police Station Kotra
Road Raigarh, District Raigarh Chhattisgarh

---- Respondent

For Applicant	:-	Mr. Hari Agrawal, Advocate
For Respondent-State	:-	Mr. Ghanshyam Patel, G.A.

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board**11/02/2021**

1. This is an application filed under Section 439 of the Cr.P.C.
for grant of regular bail to the applicant, who has been
arrested in connection with Crime No.205/2020, registered
at Police Station Kotra Road Raigarh, District- Raigarh for
the offence punishable under Sections 450, 376, 294, 323,
506 of the I.P.C.
2. Case of the prosecution, in brief, is that applicant has
committed house trespass and forcible sexual intercourse
with the prosecutrix, a married lady aged about 27 years.

The first incident occurred in April, 2020 during lockdown, when husband of the prosecutrix was away attending his job as a driver. Thereafter, the applicant committed forcible sexual intercourse on five different occasions till 22.09.2020. It is further alleged that on 8.10.2020, the applicant tried to repeat the act which was resisted by the prosecutrix, thereafter, the applicant assaulted the prosecutrix. On 10.10.2020, husband of the prosecutrix found the applicant present in the rear side of house of the prosecutrix, on which the applicant ran away, thereafter the FIR was lodged on 13.10.2020.

3. On perusal, case diary reveals that when the prosecutrix was medically examined on 13.10.2020, no external injuries were found on her person, however, in second medial examination on 14.10.2020 she was found to have sustained bruises on head and thighs.
4. Learned State counsel would oppose the prayer for grant of bail.
5. Considering the entire chronology, it appears, *prima facie*, that prosecutrix was in consensual sexual relation with the applicant and also for the fact that charge-sheet has already been filed; applicant is in jail since 14.10.2020, therefore, 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 for a sum of Rs.50,000/- with one surety for the like amount 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.

Certified copy as per rules.

SD/-
(Prashant Kumar Mishra)
Judge

Ayushi