

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7902 of 2021**

Ganpat Lal Satnami S/o Bhukhau Ram, aged about 36 years, R/o Village Parsada Khurd, P.S. Shakti, Distt. Janjgir-Champa (C.G.)

---- Applicant

Versus

State of Chhattisgarh through: Station House Officer, Police Station Shakti, District Janjgir-Champa (C.G.).

---- Respondent

For Applicant : Ms. Indira Tripathi, Advocate
For Respondent : Mr. Akhtar Hussain, PL

Hon'ble Shri Justice Deepak Kumar Tiwari

Order on Board

26/10/2021

Heard.

1. The applicant has preferred this first Bail Application under Section 439 of Code of Criminal Procedure, 1973 in connection with Crime No. 252/2021 registered at Police Station- Shakti, District Janjgir-Champa (C.G.) for the offence punishable under Sections 376 and 506 of the IPC.
2. Case of the prosecution in brief is that on 17/08/2021, the Prosecutrix/Complainant has lodged a written report at police Station Shakti, District Janjgir-Champa stating therein that the applicant, at the time of construction of the house of the prosecutrix, contacted her and provided construction material. During the aforesaid period, the applicant used to frequently visit the house of the prosecutrix. It is alleged that in

the year 2018, once when the mother of the prosecutrix was not at home, the applicant forcibly developed physical relationship with her and threatened her not to disclose this fact to anyone. Thereafter, the applicant on many occasions forcibly developed physical relationship with the prosecutrix. Based on the written report, offence has been registered against the applicant and he has been arrested on 17/08/2021.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. The prosecutrix was the consenting party in the alleged act. She further submits that the applicant is in jail since 17/08/2021, charge-sheet has been filed and trial is likely to take time, therefore, she prays to release the applicant on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard counsel for the parties.
6. Considering the facts and circumstances of the case, particularly the fact that the prosecutrix is major lady aged about 36 years, she was the consenting party in the alleged act and she was in continuous relationship with the applicant since 2018, without further commenting on other merit of the case, I am of the view that it is fit case to enlarge the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs. 10,000/- with one surety of the like sum

amount to the satisfaction of the trial Court. The applicant is further directed to appear before the trial Court on the dates given by the said Court.

Sd/-
(Deepak Kumar Tiwari)
Judge

Rahul