

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2870 of 2016

Dhananjay Dubey S/o Bharat Dubey Aged About 20 Years R/o
Village - Pagbandhi, P.S. - Dhamdha, Distt. - Durg Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through - S. H. O. Dhamdha Distt. - Durg
Chhattisgarh

---- Respondent

For applicant - Shri Vivek Sharma, Advocate.
For Respondent/State – Shri Anant Bajpai, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

15/06/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 276/2015 registered in Police Station Dhamdha, Distt Durg for offence punishable under sections 376 and 450 of Indian Penal Code.
2. As per the prosecution case on 24/11/2015 it is reported that the prosecutrix when went to answer the call of nature at 7.30 in the evening, at that time the applicant who was hiding himself inside the bathroom caught hold of the prosecutrix and forcefully committed rape on her. Thereby offence is committed.
3. Learned counsel for the applicant submits that the age of the prosecutrix was more than 18 years and it was a case of consent as it is not plausible to accept that applicant would know that at certain point of time prosecutrix will go to the bathroom and therefore when they were caught matter was reported. Therefore, learned counsel submits that under the facts, the applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. I have perused the statement of the prosecutrix as also map of the incident. Considering the facts and circumstances and statement of the prosecutrix, without any observation on the merits, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released 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.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE