

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4999 of 2016**

Pankaj Jha, Aged About 34 Years, S/o Late Shri Padmanand Jha,
R/o Ayodhya Nagar, Ward No. 4, Thana & Tehsil Mahasamund,
Civil & Revenue District Mahasamund Chhattisgarh

----Applicant

Versus

State Of Chhattisgarh Through Station House Officer City Kotwali
Mahasamund, Civil & Revenue District Mahasamund Chhattisgarh

---- Respondent

For applicant - Shri Punit Ruparel, Advocate.
For Respondent/State – Shri Neeraj Jain, G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order****30/08/2016**

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.322/2016 registered in Police Station City Kotwali Mahasamund, District Mahasamund (C.G.) for offence punishable under sections 376, 506 of IPC and Section 3 (1) (12) of S.C.S.T. Act.
2. As per the prosecution case, a written report was made by the prosecutrix on 27/06/2016 that on 28/03/2016 the applicant who is a neighbour had forcefully committed sexual intercourse with the prosecutrix. Thereafter, extended threat that if she discloses this fact to anyone, he will kill her children and husband. Thereby, offence is committed.
3. Learned counsel for the applicant submits that the applicant and the prosecutrix they are neighbours and the prosecutrix is also a married lady and she was a consenting party and no rape has been committed, therefore the applicant may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the prosecutrix under Section 161 and

164 of Cr.P.C. After reading statement of the prosecutrix, without further 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.

Sd/-

(Goutam Bhaduri)

JUDGE