

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5546 of 2016

Rakesh Kumar Verma @ Mannu Verma S/o Tularam, Aged About
32 Years, R/o Village - Patan, P. S. - Bhatapara, Distt. Baloda Bazar
- Bhatapara Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through, S. H. O. Police Station - Bhatapara
(Gramin), Distt. Balodabazar - Bhatapara Chhattisgarh

---- Respondent

For applicant - Shri A.S. Rajput, Advocate.
For Respondent/State – Shri Neeraj Jain, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

19/09/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.176/2016 registered in Police Station Bhatapara (Gramin), Distt. Balodabazar-Bhatapara (C.G.) for offence punishable under section 376 of Indian Penal Code and Section 3(2)(V) SC/ST Act.
2. As per the prosecution case, on 4/06/2016 when the prosecutrix was returning to her home after attaining the call of nature, the applicant intercepted her in the way and demanded for physical relation and having refused he forcefully committed sexual intercourse. Thereby, offence is committed.
3. Learned counsel for the applicant submits the prosecutrix is a major lady aged about 26 years and she was a consenting party, since incident was seen by some of the relation as such report was made. He further submits that no injury was sustained by the prosecutrix which would show that she was a consenting party, 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. Taking into such statement, this court is not inclined to release the applicant on bail.

6. Accordingly, the bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE