

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6329 of 2016

Arjun Rao S/o Shankar Rao Aged About 26 Years, R/o Adarsh
Nagar, Sitapur, Police Station Sitapur, District Surguja,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Sitapur, District Surguja, Chhattisgarh

---- Respondent

For applicant - Smt. Hamida Siddiqui, Advocate.
For Respondent/State – Shri U.K.S. Chandel, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

17/10/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.29/2016 registered in Police Station Sitapur, District Surguja (C.G.) for offence punishable under sections 376 & 450 of the Indian Penal Code.
2. As per the prosecution case, a report was made by the prosecutrix that the present applicant on 25/02/2016 forcefully entered in the house, thereafter committed sexual intercourse while she was alone in the house. While committing rape husband of the prosecutrix came and he abused both the prosecutrix and the applicant. Thereafter, report was made.
3. Learned counsel for the applicant submits that the prosecutrix is a major married lady, she was a consenting party and nature of report would show that she had consented for the act, 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 fact, 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