

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7945 of 2016

Dinesh S/o Nand Kumar Verma Aged About 40 Years R/o Village Khorsi, Police Station Kharora, Tehsil- Arang, District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Bemetara, District Bemetara, Chhattisgarh.

---- Respondent

For applicant - Shri Rajeev Shrivastava, Advocate.
For Respondent/State – Ms. Sunita Jain, PL.
For complainant- Shri Vipin Singh, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

20/12/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.558/2016 registered in Police Station Bemetara, District Bemetara (CG) for offence punishable under section 506, 376, 456 of Indian Penal Code.
2. As per the prosecution case, a report was made by the prosecutrix on 21/10/2016 that the applicant at 8.15 who came for harvesting forcefully entered into the house of the prosecutrix and committed rape.
3. Learned counsel for the applicant submits that it is a case of consent, the victim is a major lady of 27 years and she was in conversation with the applicant prior to the incident which would show that nothing was disclosed to any one, therefore it would show that she was a consenting party and were known to the others and false report has been filed, therefore the applicant may be released on bail.
4. Learned State counsel and counsel for the objector opposes the prayer for grant of bail.

5. Perused the statement of the victim under Section 161 and 164 of Cr.P.C. as also the map wherein the incident is stated to have happened. It appears according to the map the place of incident is adjacent to the house of Khemraj the neighbour and Teksingh the father-in-law. Taking into statement under Section 161 and 164 of Cr.P.C., 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