

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 633 of 2017

Kumesh @ Kumeshwar Rajwade S/o Jairam Rajwade, Aged About 38 Years R/o Village Latory, Police Station Lakhanpur, District Surguja, Chhattisgarh. (Wrongly Mentioned In Order Impugned As Kumeshwar)

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Lakhanpur, District Surguja, Chhattisgarh.

---- Respondent

For applicant - Shri Vineet Kumar Pandey, Advocate.
For Respondent/State –Shri Vivek Singhal, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

9/02/2017

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.172/2016 registered in Police Station Lakhanpur, District Surguja (C.G.) for offence punishable under section 376 of Indian Penal Code.
2. As per the prosecution case, on 25/09/2016 report was made by the victim that the applicant was invited in the house for dinner and he stayed back and in the night forcefully committed rape on the prosecutrix.
3. Learned counsel for the applicant submits that it is a case of consent, in the house husband and sister of the prosecutrix were present and room were adjacent to each other, therefore the applicant may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Also perused the statement of the prosecutrix under Section 161 of Cr.P.C. Considering the

statement and map of the house, 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