

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4082 of 2017**

- Satish Kumar Rathiya S/o Laxmi Prasad Rathiya Aged About 27 Years Occupation- Agriculture, R/o Village- Chhedoliya, Post- Bhaluram, P.S. & Tahsil- Gharghoda, District Raigarh, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station- Gharghoda, District Raigarh, Chhattisgarh

---- Respondent

For Applicant	Mr. Awadh Tripathi, Advocate
For Respondent /State	Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****28/11/2017**

1. Heard.
2. This is an application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No.86/2017, registered at Police Station Gharghoda District Raigarh (CG) for the offence punishable under Sections 366 & 376 of IPC.
3. The applicant has allegedly enticed, abducted and committed forcible sexual intercourse with the prosecutrix during the

intervening night of 11th and 12th May 2017, for which, the FIR was lodged on 16.5.2017.

4. It is argued by learned counsel for the applicant that the prosecutrix was in love with the applicant and she was a consenting party, therefore, no case is made out.
5. Learned counsel for the State would oppose the bail application.
6. Conversioning the contents of the FIR; the statement of the prosecutrix under Section 164 of Cr.PC and; without commenting on the arguments raised by learned counsel for the applicant, this Court is not inclined to release the applicant on bail at this stage.
7. Accordingly, the bail application is dismissed reserving liberty in favour of the applicant to repeat the prayer after examination of the prosecutrix.

Sd/-

Judge

(Prashant Kumar Mishra)

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