

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4102 of 2017

Kamal Kumar @ Monu Verma S/o Krishna Kumar Verma, Aged About 25 Years R/o Village Khairkhata, Police Station City Kotwali Baloda Bazar, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station City Kotwali Baloda Bazar, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

Shri Sanjeev Das, counsel for the applicant/s.
Ms. Sunita Jain, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

20/11/2017

Heard.

The applicant has been arrested in connection with Crime No.110/2017 registered at Police Station – City Kotwali- Baloda Bazar, District – Baloda Bazar, Bhatapara (CG) for alleged commission of offences under Section 451, 376 of IPC.

2. Case of the prosecution is that time and again the applicant used to come to the house of the prosecutrix and committed rape on her.

3. Learned counsel for the applicants submits that present is a case of false implication. The statement of the prosecutrix clearly shows that she never reported the allegations on more than one occasion on earlier dates and it was only when on a particular date, the husband of the prosecutrix saw her and the applicant in a compromising situation that report was lodged. It is submitted that charge sheet has already been filed and there is no possibility of applicant tamper with the prosecution witnesses.

4. On the other hand, learned State counsel opposes bail application and submits that the prosecutrix has stated on number of previous dates that the

applicant had come to the house of the prosecutrix and she, out of fear did not disclose to anybody and finally complained to her husband.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the statement of the prosecutrix and submission of learned counsel for the applicant that the prosecutrix did not make complaint of alleged rape on 03/03/2017, 04/03/2017 and 07/03/2017 and 08/03/2017 and that the complaint was made only when her husband saw the prosecutrix and the applicant in a compromising situation on 21/03/2017, I am inclined to grant bail to the applicant.

6. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the Trial Court. He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge