

HIGH COURT OF CHHATTISGARH AT BILASPURM.Cr.C. No.2557 of 2018

Neelam Chandrakar S/o Late Shri Kanhaiya Chandrakar, aged about 27 years, R/o Kuthrel, District Durg (C.G.).

---Applicant

Versus

State of Chhattisgarh, Through – The S.H.O. Police Station Anda, Civil and Revenue District Durg (C.G.).

---Respondent

For applicant : Shri Purnendra Khichariya, Advocate.
For resp./State : Shri Shashank Thakur, Government Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/05/2018

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.08/2018 registered at Police Station Anda, District Durg (C.G.). for the offence punishable under Section 376 of IPC.
2. Present applicant is in jail since 06/02/2018.
3. The allegation against the present applicant as per the prosecution case is that, the present applicant is said to have on 05/02/2018 at around 8 p.m. caught hold the prosecutrix who has gone out of her house for answering the nature's call and dragged her to the nearby deserted house and there he is said to have committed rape during which period on the alarm raised by the

prosecutrix, the father-in-law and the husband of the prosecutrix reached the spot and caught the present applicant red handed.

4. The counsel for the applicant submits that the nature of statement of the prosecutrix itself would reveal that it is a case of consensual relationship between the two. He further submits that an F.I.R. had to be lodged on account of the father-in-law and the husband catching the prosecutrix with the present applicant red handed and thus prayed for releasing the applicant on bail.

5. The State counsel however opposing the bail application submits that, from the statement of the prosecutrix it appears that, the present applicant had used force to drag the prosecutrix to the nearby deserted house and relying on the statement of the prosecutrix there appears to be a serious charge against the present applicant and thus prayed for rejection of the bail application.

6. Having heard the contentions put forth on either side and on perusal of record, particularly considering the age of the prosecutrix and the narration of facts by the prosecutrix so far as the place from where she was caught by the present applicant and then dragged her to the deserted nearby house gives rise to a great element of doubt.

7. Given the aforesaid facts and circumstances of the case, this Court is of the opinion that prima-facie a strong case has been made out for grant of bail to the present applicant.

8. Accordingly, the application for grant of bail is allowed. It is ordered that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Trial Court. The applicant shall thereafter appear before the Trial Court on each and every date given by the said court.

Sumit

Sd/-
(P. Sam Koshy)
JUDGE