

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1268 of 2020**

- Praveen Kumar Sahu S/o Domar Singh Sahu Aged About 26 Years R/o Sakin Kaneri, Thana Gurur, District Balod Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Gurur, District Balod Chhattisgarh

---- Respondent

For Applicant/s	:	Mr. Avinash Chand Sahu, Advocate.
For State	:	Ms. Fouzia Mirza, Additional A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****19/08/2020**

Heard.

1. The applicant has moved this application for grant of bail as he is arrested in connection with Crime No.248/2018 registered at Police Station-Gurur, District-Balod, C.G. for the offence under Sections 376 of IPC and 3(2)(5) of SC/ST (Prevention of Atrocities) Act.
2. Prosecution case is that the applicant committed rape on the prosecutrix. According to the prosecution, prosecutrix is to some extent mentally unsound also.
3. Learned counsel for the applicant submits that it is a case of false implication. He would submit that the prosecution story that the prosecutrix is mentally unsound is not based on any clinching documentary evidence which could be proved during trial. There are only case diary statements that she is not mentally sound. He would next submit that prosecutrix has now been examined in the Court and the manner, in which, she has deposed in her cross-examination, renders it highly doubtful that it is a case of rape and even if the statements of other witnesses are looked into, present at the most, could be case of consent.

4. On the other hand, learned State Counsel opposes and submits that irrespective of whether prosecutrix is mentally sound or not, her Court statement clearly shows that the prosecutrix has deposed that she was dragged and raped by the present applicant. It is also submitted that two prosecution witnesses namely- Sant Kumar Koram and Hemant Kumar Sahu have stated in the case diary statement that when the applicant was subjecting the prosecutrix to rape they reached that spot and saw the applicant was present near the place.
5. Taking into consideration the submissions of learned counsel for the parties, without commenting upon the veracity of the Court statement of the prosecutrix, in the opinion of this Court, present is not a fit case for grant of bail.
6. The bail application is therefore rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge