

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3298 of 2020**

- Bellal S/o Duwalu Dewangan Aged About 42 Years R/o Gandhi Chiwk, Durga Para, Camp-2, Bhilai, District- Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Lalbag, District- Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant	:	Shri Aditya Bharadwaj, Advocate
For State	:	Shri Ravish Verma, Govt. Adv.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****13/08/2020**

Heard.

1. The applicant has been arrested in connection with Crime No.86/2020 registered at Police Station – Lalbag, District – Rajnandgaon (C.G.) for alleged commission of offences under Section 451, 342, 376, 506 of IPC.
2. Prosecution case is that when the prosecutrix was all alone at home, the applicant took undue advantage of he being acquainted to the prosecutrix, came inside the house, bolted the door and committed rape on her by giving her threat of death.
3. Learned counsel for the applicant would argue that even according to the report of the prosecutrix, the applicant and the prosecutrix were known to each other since long. He submits that the story of applicant coming all the way from a distance of 40 kms. without invitation of the prosecutrix and that too when she was all alone at home, shows that it was a case of consent. But because of subsequent dispute, she falsely implicated the applicant and that is the reason that there are no injury marks on her body.

4. On the other hand, learned State counsel opposes and submits that *prima facie* case is made out on the face of report made by the prosecutrix and merely because, the applicant was known to her, it cannot be said to be a case of consent.

5. Taking into consideration the submission of learned counsel for the parties, nature of allegations particularly taking into consideration that after the incident, the prosecutrix attempted to commit suicide by consuming dettol, I am not inclined to grant bail to the applicant. The application is, accordingly, rejected.

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