

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No.4174 of 2020**

Raja Kol S/o Mangal Prasad Kol, Aged About 22 Years R/o. Village Dhanouli,  
Police Station Gourela, District Gourela- Pendra Marwahi (Chhattisgarh)

**---- Applicant**

**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station  
Gourela, District Gourela- Pendra- Marwahi Chhattisgarh **---- Respondent**

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|----------------------|---|------------------------------------|
| For Applicant        | : | Shri Yogendra Chaturvedi, Advocate |
| For Respondent/State | : | Shri Alok Bakshi, Additional A.G.  |

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**S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava**

**Order On Board**

**31/08/2020**

Heard.

1. The applicant has been arrested in connection with Crime No.17 of 2020 registered at Police Station- Gourela, District Gourela Pendra Marwahi (CG) for the alleged commission of offence under Section 450 & 376 of IPC.
2. Case of the prosecution is that the applicant, nephew of the prosecutrix, came to her house at about 10 p.m. in the night when she was all alone and dragged her to the old block of the house, her mouth was closed was fastened with a cloth and she was subjected to rape. Soon thereafter, her husband arrived and the incident was reported and FIR lodged on the very next day.
3. Learned counsel for the applicant submits that present is a case of consent and when the prosecutrix was enjoying sex with the applicant in her own house taking advantage of the fact that she was all alone, at that time, her husband reached and finding that her husband has come, she has started making false allegation against the applicant. From the spot or from the possession of the prosecutrix, no cloth alleged to have been fastened on her face has been recovered. The prosecutrix is a major lady. There are no signs or marks of any resistance nor any injury.

4. On the other hand, learned counsel for the State opposes the prayer and submits that a specific report has been lodged on 20.01.2020 in respect of incident of rape committed on the previous night at about 10:00 to 10:30 p.m. on 19.01.2020 and the prosecutrix has stated that she was subjected to rape by the applicant by use of force after fastening her face and disabling her.
5. Taking into consideration the material against the applicant, particularly contents of the FIR and statement of prosecutrix, present is not a fit case for grant of bail. Therefore, the bail application is rejected.

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