

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5575 of 2020**

- Vinay Kumar Chouhan S/o Late Shri Vishwas Shersingh Chouhan Aged About 32 Years R/o Village- Koramkunda, Thana- Sarsiwa, Civil And Revenue Distt.- Balodabajar-Bhatapara, Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through The Station House Officer Police Station- Sarsiwa, District- Balodabajar-Bhatapara, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Sunil Sahu, Advocate.
For State	:	Mr. Gagan Tiwari, Dy. G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****09/10/2020**

Heard.

1. The applicant has moved this application for grant of bail as he is arrested in connection with Crime No.165/2020 registered at Police Station- Sarsiwa, District- Balodabajar-Bhatapara, C.G. for the offence under Sections 376 & 506 of IPC.
2. Prosecution case is that the applicant taking undue advantage of the fact that his sister-in-law was all alone at home, committed rape on her.
3. Learned counsel for the applicant would argue that the manner in which the incident is alleged to have happened and seen by the husband of the prosecutrix clearly shows that it is a case of consent and when the applicant and the prosecutrix were enjoying sexual relations, suddenly the husband of the prosecutrix arrived at home and when the applicant and the prosecutrix were caught red handed, the prosecutrix started making false allegation against the applicant to save herself. He would submit that the prosecutrix is major and it is improbable that she would offer any resistance and would easily allow the applicant to commit rape on her. Learned counsel for the applicant also submits that there is delay of two days in lodging the FIR, which

raises doubt about the case of the prosecution.

4. On the other hand, learned State Counsel opposes and submits that the prosecutrix has clearly stated in her report and diary statement that the applicant committed forcible sexual intercourse on her when she was all alone at home. Learned State counsel also submits that the applicant is brother-in-law of the prosecutrix, who is residing in the same house, the report was lodged after consulting other residents and familiars of the family.
5. Taking into consideration the submissions of learned counsel for the parties, particularly taking into consideration the nature and gravity of the allegation and what has been stated by the prosecutrix, present is not a fit case for grant of bail.
6. The bail application is accordingly rejected.

Sd/-

(Manindra Mohan Shrivastava)
Judge