

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.6175 of 2020**

- Amarnath Verma S/o Shri Panch Verma Aged About 27 Years R/o Chandkhuri Basti Mandir Hasaud, P.S. Mandir Hasaud, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Mandir Hasaud, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Shri B. L. Sahu, Advocate
For Respondent/State	:	Shri Alok Bakshi, Additional AG

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****14/10/2020**

Heard.

1. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.275/2020 registered at Police Station Mandir Hasaud, District Raipur for the offence punishable under Section 376, 294 & 506 of the IPC. The applicant was arrested on 13-08-2020.
2. Prosecution case is that the present applicant was having an affair with the prosecutrix between the period from 05-06-2020 to 11-08-2020 and he committed rape on the prosecutrix against her wishes and she was assaulted also and finally, the prosecutrix escaped and then lodge a report in the police station.
3. Learned counsel for the applicant would argue that the present is a case of clear consent between the applicant and the prosecutrix, because the prosecutrix herself has stated that she and the applicant had longstanding affair since last four years and thereafter, from the period 05-06-2020 to 11-08-2020, about three months, she stayed in living relationship with the applicant and

therefore, looking to the fact that the prosecutrix is major, the present is a case of consensus sexual intercourse and because of certain dispute, FIR is being lodged. He submits that the injuries received by the prosecutrix are simple in nature, which indicate that this is not a case of sexual assault.

4. On the other hand, learned counsel for the State/non-applicant opposes the bail application by submitting that the prosecutrix in FIR as also in her statement recored under Section 164 of Cr.P.C. stated that she was having an affair with the applicant and when applicant took her to another house on 05-06-2020, she was subjected to sexual intercourse against her wishes and assaulted also, in which, she sustained certain injuries and she could manage herself to escape and then lodge a report.

5. Taking into consideration the aforesaid submission of learned counsel for the parties, particularly taking into consideration the nature of allegation against the applicant and the medical report of the prosecutrix, the present does not appear to be a fit case for grant of bail.

6. Accordingly, the bail application is rejected.

Certified copy as per rules.

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