

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2354 of 2021

- Amit Kashyap S/o Samul Kashyap Aged About 21 Years Residing At Village Bakel Khaspara P.S. Bhanpuri District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Bhanpuri District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Respondent

For Applicant	–	Mr. P.K. Tulsyan, Advocate
For State	-	Mr. Anmol Sharma, P.L.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.07.2021

1. This is the first bail application filed under Section 439 of CrPC for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 21/2021 registered in Police Station Bhanpuri Distt. Bastar (C.G.) for offence punishable under Sections 376, 323, 506, 294 of Indian Penal Code.

2. As per prosecution case, on 03.02.2021, when the prosecutrix was attending a marriage and was enjoying certain dance, at that time the applicant called her at a distance. The prosecutrix thought that some work is to be performed and when she went there, the applicant caught hold her and dragged her to a distance and committed forceful sexual intercourse, abused her and also extended threat to her.

3. Learned counsel for the applicant submits that the prosecutrix is aged about 50 years, the way the incident has happened and the map would show that she was a consenting party as she was dragged at quite a distance and it is not possible for anybody to see her. He submits that since the prosecutrix being a consenting party, the applicant may be enlarged on bail.

3. Per contra, learned State counsel opposes the argument and submits that there were injuries in the private part of the prosecutrix and ten stitches were required to be

administered to the private part of her body and was left unconscious at field and was taken to hospital and was admitted in the hospital for eight days.

5. Considering the medical report that she became unconscious and ten stitches were found in private part of her body and the fact that she was admitted in the hospital for 8 days, at this stage, I am not inclined to release the applicant on bail. Accordingly, the bail application filed under Section 439 of Cr.P.C. stands rejected.

6. Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

Judge

Vishakha