

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2448 of 2021

Ramsingh S/o Dhanush Singh Gond Aged About 35 Years R/o Dugru, Police Station- Raghunathnagar, District- Balrampur- Ramanujganj, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh Through Station House Officer- Police Station-Raghunathnagar (wrongly mentioned as Balrampur) District- Balrampur- Ramanujganj, Chhattisgarh.

---- Respondent

For applicant - Shri S.S. Rajput, Advocate.

For Respondent/State – Shri Siddharth Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

20/07/2021

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.23/2021 registered in Police Station Raghunathnagar, District- Balrampur- Ramanujganj (C.G.) for offence punishable under section 376(2) (n) of Indian Penal Code.
2. As per the prosecution case, on 10/02/2021 the applicant went to the house of the prosecutrix knocked the door, initially it was not opened, thereafter when the door was opened by the prosecutrix the applicant entered into the house and forcefully committed sexual intercourse for which report was lodged on 12/02/2021 and the applicant was arrested.
3. Learned counsel for the applicant submits that it is a case of consent, the prosecutrix is aged about 40 years and according to the prosecutrix three times intercourse was committed on the day and they were together for 2-3 hours which would mean that she was a consenting party as she did not raise any alarm and the doctor report also do not suggest any injury on the part of the body of the prosecutrix, therefore the applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail and read out the statement under Section 164 of Cr.P.C.

5. Considering the nature of allegation, the incident and the background, age of the prosecutrix, charge sheet has been filed, without further observation on the merit, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE