

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5447 of 2021**

- Bellal S/o Duwalu Dewangan Aged About 42 Years R/o Gandhi Chowk, Durga Para, Camp - 2, Bhilai, District Durg Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer Police Station Lalbag, District Rajnandgaon Chhattisgarh

---- Respondent

For Applicant	:	Shri Aditya Bharadwaj, Advocate
For State	:	Shri Ashutosh Mishra, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****09/09/2021**

Heard.

This is repeat application.

1. The applicant has been arrested in connection with Crime No.86/2020 registered at Police Station – Lalbag, District – Rajnandgaon (C.G.) for alleged commission of offences under Section 451, 342, 376, 506 of IPC.
2. Prosecution case is that the applicant committed rape on the prosecutrix.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in the present case. He had an affair with the prosecutrix and sexual intercourse was committed with the prosecutrix with her consent. It is submitted that the prosecutrix, who is a major, has now been examined in the Court and she has clearly deposed in the Court that all physical relationship between the prosecutrix and the applicant was with her consent but she had to save herself because her brother caught them red handed.
4. On the other hand, learned State counsel opposes prayer and submits that the

applicant has been tried for serious offence. Though the prosecutrix has been examined but many other witnesses are yet to be examined.

5. Taking into consideration the submission of learned counsel for the parties, the submission that the prosecution has now been examined and further submission that she has not supported the prosecution case and clearly stated that sexual relationship between the applicant and the prosecutrix was with her consent and also that she is major of about 23 years, I am inclined to grant bail to the applicant.

6. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the Trial Court on the condition that -

- a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) He shall not make any attempt to tamper with the prosecution witnesses.

Certified copy as per rules.

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