

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 6375 of 2021**

Amarnath Verma S/o Motiram Verma, Aged About 35 Years R/o  
Ghorbhatthi, Police Station Kharora, Raipur, District Raipur CG

---- Applicant

**Versus**

State of Chhattisgarh through Station House Officer, Police Station  
Kharora, District Raipur CG

---- Non-applicant

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|-------------------|-----------------------------------------------------------|
| For applicant     | : Mrs. Fouzia Mirza, Sr. Adv. with Mr. Navin Shukla, Adv. |
| For non-applicant | : Mr. Shrikant Kaushik, PL                                |
| For objector      | : Mr. B.L. Sahu, Adv.                                     |

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**Hon'ble Shri Justice N.K. Chandravanshi****Order on Board****23-11-2021**

1. As per applicant, this is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 295/2021 registered in police station Kharora, Distt. Raipur, (CG) for offence punishable under 450, 506-B, 376, 201 of IPC.
3. Brief facts of the case are that in the night of 12-7-2021 at 10.30 pm, applicant went to the room of victim and on the point of knife and by threatening her, he committed rape with her.
4. Learned Sr. Counsel appearing for the applicant argued that the applicant has not committed alleged rape. In fact, it is a case of consent because on being called by the victim herself, the applicant had gone to meet her. She next argued that as per case of prosecution, many members of family were sleeping in the house of prosecutrix, but statement of none of them has been recorded by the police. Charge sheet has been filed. He is in jail since 14-7-2021. He is permanent resident of Raipur district. Therefore, he may be released on bail.
5. On the other hand, Learned State Counsel duly assisted by learned counsel for the objector opposed the bail application contending that in the night itself, the prosecutrix narrated about the crime committed by the applicant to Kotwar and FIR was lodged. He further argued that

the applicant being Serpanch committed such type of heinous crime, hence, he is not entitled to be released on bail

6. I have heard learned counsel for the parties and perused the case diary and the material available on record.
7. Considering the facts and circumstances of the case, age of the prosecutrix, also taking into consideration that statement under Section 161 of the Cr.P.C. has not been recorded of the family members of the prosecutrix, on being asked as stated by learned State counsel, applicant is in jail since 14-7-2021, charge sheet has been filed, he is said to be permanent resident of Raipur district, I feel inclined to allow the bail application. Therefore, the application is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs. 25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned for his appearance before the concerned Court as and when directed by the said Court, he be released on bail.
8. CC as per rules.

**Sd/-**  
**(N.K. Chandravanshi)**  
**Judge**