

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.823 of 2015

Prafull Sharad Sharma S/o Shri Surendrahari Sharma Aged About 35 Years
R/o H. No. 788, Matrikunj, Lane No. 5, Risali, Bhilai, District Durg Chhattisgarh.

---- **Petitioner**

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Pharasgaon, Distt. Kondagaon Chhattisgarh.

---- **Respondent**

For Petitioner : Shri Kishore Bhaduri with Shri Pawan Kesharwani, Advocates
For Respondent/State: Shri Manish Nigam, Panel Lawyer

Order On Board

02/09/2015

Heard.

2. The applicant in the aforestated bail application is apprehending his arrest in connection with Crime No.38/2015 registered at police station–Pharasgaon, District Kondagaon for alleged commission of offence under Section 376 and 506 of IPC.
3. Prosecution case is that the applicant entered the house of the prosecutrix and committed rape on her.
4. Learned counsel for the applicant submits that according to the prosecutrix herself, the applicant had known to her and earlier also, they met on two or three occasions as also used to talk on mobile phone, which shows that the applicant and the prosecutrix were having good relations. The incident is alleged to have happened on 20-11-2014 whereas report has been lodged after about three months i.e. on 14-03-2015, therefore, in these circumstances, possibility of false implication cannot be ruled out.
5. On the other hand, learned State counsel submits that the prosecutrix stated that she was known to the applicant but she was not having sexual relations with the applicant. She complained regarding one singular incident on 23-11-2014 and except that there is no other incident to say that she was a party to long sexual relation in the past. The prosecution has explained that because of threat given by the applicant to

the prosecutrix that he will kill her as also kill her daughter, she could not immediately lodge the report but later on, report has been lodged.

6. Taking into consideration the nature of allegation, particularly taking into consideration that the prosecutrix does not admit sexual relations with the applicant since long, I am not inclined to grant bail to the applicant.

7. Accordingly, the application is rejected.

**Sd/-
Manindra Mohan Shrivastava
Judge**

Tumane