

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2912 of 2016

- Ravidas Mahant S/o Shri Kanakdas Mahant Aged About 27 Years Occupation Labour, R/o Village Dhanagar, Police Staton Kotra Road Raigarh, Tahsil & District Raigarh, Chhattisgarh.

--- Petitioner

Versus

- The State of Chhattisgarh Through The Officer In Charge of Anusuchit Jati Kalyan Thana Raigarh, District Raigarh, Chhattisgarh.

--- Respondent

For the applicant	:	Mr. Roop Naik, Advocate
For the Respondent	:	Mr. Sumeet Jhawar, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15.06.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 1/2016 registered at P.S. Anusuchit Jati Kalyan Raigarh, Distt. Raigarh (C.G) for the offence punishable under Section 376 of IPC and section 3(1)(xii) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. As per the prosecution case, the applicant 3 1/2 years prior to 27.07.2015 committed sexual intercourse with the prosecutrix on the pretext of marriage for which a report was made on 28.01.2016.
3. Learned counsel for the applicant submits that earlier also on 27.7.2015 a report was made wherein only allegations of abuses and assault were made and no sexual harassment or forcible sexual intercourse was alleged. He referred to certified copy of the FIR and the deposition and would submit that subsequently the fresh FIR was made wherein version

of sexual harassment or forcible sexual intercourse was made. It is therefore submitted that the applicant has been falsely implicated in this case.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and the documents as also earlier report made by the prosecutrix on 27.7.2015 and the deposition wherein no allegations of rape was made and she turned hostile. Considering such statements of prosecutrix and facts and circumstances of the case and further looking to the period of detention of the applicant, I am inclined to release the applicant on bail.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE