

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7527 of 2016

Girish Khaparde S/o Barmanand Khaparde Aged About 36 Years
R/o Shanti Nagar, Supela, Street No. 19, Police Station Supela,
Bhilai, District - Durg Chhattisgarh (Wrongly Mentioned As Girishi
Khaparde)

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Supela, District Durg
Chhattisgarh

---- Respondent

For applicant - Shri Rajesh Kumar Kesharwani, Advocate.
For Respondent/State – Shri Neeraj Jain, G.A. for the State.
For objector – Shri Shailendra Dubey, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

13/12/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.865/2016 registered in Police Station Supela, Distt. Durg (CG) for offence punishable under sections 366, 376(2)(G), 120-B, 506 of Indian Penal Code and Section 3(2)(v) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act.
2. As per the prosecution case, a report was made by the victim on 20/09/2016 that initially she met with one L.B. Verma while travelling in a bus and in order to expand her business of health management she subsequently met Ajit Singh, Kamlesh Chandrakar, Girish Khaparde present applicant who was introduced by L.B. Verma. Subsequently, she came close to one of the accused Ajit Singh and when she went to Jagdalpur alongwith Ajit Singh and stayed in a hotel and on the pretext of marriage he committed forcefull sexual intercourse. This happened in the month of July, 2016. Subsequently, she decided to force Ajit Singh for marriage. Thereafter, while the marriage papers were prepared at that time she went to Advocate L.B. Verma wherein Kamlesh Chandrakar and

Girish Khaparde were present, at that time all the other co-accused have forcefully committed rape twice in two occasions in the month of July 2016 and thereafter in August 2016. This incident continued and subsequently one more accused namely Dulal Chatterjee who came in contact with the victim committed sexual intercourse and further she was subjected to threatening that in case she raises voice all the incident would be made public.

3. Learned counsel for the applicant would submit that completely improbable story has been projected. Further incident has been stated to be at two times by the victim one in the month of July, 2016 and another in the month of August, 2016 but report was made in September, 2016, no call detail has been attributed to this applicant and it is completely cooked up story so as to inculcate the applicant, therefore the applicant has been falsely implicated, charge sheet has been filed, no further investigation is necessary, the applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. Perused the case diary, statement and FIR made by the victim. It is also not disputed by the State that no call detail have been made by the applicant to the victim. Statement of the victim would show that at two occasions the allegation of rape is attributed to the applicant and others, one in the month of July 2016 when she went alongwith Ajit Singh to his office wherein this applicant alongwith others were present. Subsequently, again in the month of August 2016. Typed report is made on 20th September, 2016. No plausible explanation has been given for the delay and the statement of Nitu Shrivastava also shows to whom it is stated that the incident was disclosed by diverging the particulars as the omission exist. Considering the totality of this case as no plausible explanation has been given for the delay, 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