

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8208 of 2016

Raju Francis, S/o. Shri Simon Francis, Aged About 34 Years, R/o. Manipur Colony, Korba, Police Chowki - Rampur, Police Station - Kotwali, Tahsil & District Korba, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Chowki - Rampur & Police Station Kotwali, District Korba, Chhattisgarh

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21.12.2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.423/2016 registered at Police Station- Police Chowki- Rampur, Police Station- Kotwali, District Korba (C.G.) for the offence punishable under Sections 376, 294, 506, 384 of Indian Penal Code and Section 3(1) (10), 3(2)(5) of Atrocities Act. The first bail application was dismissed on 04.10.2016 in MCRC No.6084 of 2016.
2. As per the prosecution case, a report was made by the victim against the applicant on 03.09.2016 that from February, 2013 to 31.08.2016 after death of the husband of the victim, the applicant helped her to get the compassionate appointment in the department and thereafter in February, 2013 after giving her juice when she became unconscious, rape was committed and video recording was also made and the same act continued on the threat that video recording would be made public and eventually the

report was made; thereby, the offence has been committed as sexual intercourse was committed without the consent.

3. Learned counsel for the applicant would submit that as per Annexure A-6, earlier also the victim had made a report, which was withdrawn on 29.06.2016 and the victim has made the report when the counter report was made by the present applicant who is in relation to the victim as brother-in-law. Therefore, false allegations have been attributed and as such the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statement of the victim under Section 161 & 164 of Cr.P.C. It is alleged that from 2013 the applicant have in relation. The withdrawal application Annexure A-6 was also considered, which appears to be obtained under R.T.I. Taking into totality of the case and the fact that the charge sheet has been filed, without any observation on merit, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge