

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 4963 OF 2017

Som @ Som Prakash Dewangan son of Noor Singh Dewangan, aged about 34 years, R/o Village Ganiyari Dundera, PS Utai, Distt. Durg (CG).

... Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station, Utai, Distt. Durg (CG).

... Respondent

For Applicant	:	Shri BP Singh, Advocate.
For Respondent-State	:	Shri Gary Mukhopadhyay, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

20/11/2017

1. This is the first bail application seeking for grant of bail to the Applicant who is in jail since 29.06.2017 in connection with Crime No. 102 of 2017 registered at Police Station Utai, Distt. Durg for the offence punishable under Sections 376 and 506 IPC.
2. As per prosecution case, the applicant is said to have forcefully entered into the house of the prosecutrix and have committed offence of rape for which the matter was reported and he has been arrested.
3. Learned Counsel for the applicant submits that the entire story is cooked up and has been made out only to put pressure upon the applicant to not initiate any steps for recovering the loan amount which the husband of the prosecutrix had taken from the present applicant. He further submits that there is delay in lodging FIR for which no proper explanation has been offered by the prosecutrix, and therefore he may be enlarged on bail.

4. Opposing the bail application, learned Counsel for the State submits that the prosecutrix in the instant case has made out a strong allegation against the applicant of having committed rape with the prosecutrix on the threat of life and that he had repeatedly committed rape with the prosecutrix forcing her to lodge a report.
5. Having considered the rival contentions put forth on either side and perusal of records would show that the prosecutrix in the instant case is 29 years of age. In the complaint she has stated that present applicant has committed rape for the first time on 05.03.2017. He again attempted to rape on 04.04.2017 but could not succeed on account of refusal of prosecutrix and thereafter she had narrated the entire incident to her Husband and the matter was reported at Police Station on 05.04.2017. A perusal of the said statement and the statement of the prosecutrix made under Section 164 CrPC would reflect that there is no proper explanation given by the prosecutrix in respect of delay which has arisen in lodging of the FIR between 05.03.2017 and 05.04.2017. Under the given circumstances, this Court is of the opinion that the present is a fit case where the applicant can be enlarged on bail.
6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-

(P. Sam Koshy)
Judge