

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6544 of 2017

Ashok Dewangan S/o Ramprasad (Shyamlal) Aged About 29 Years R/o Village Dhaneli, Chowki Chandanu, Police Station Nandghat, Tahsil And District Bemetara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through : Station House Officer, Police Station Nandghat, District Bemetara, Chhattisgarh.

---- Respondent

For Applicant	:	Shri P.P. Sahu, Advocate
For State	:	Shri Chandresh Shrivastava, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

06/12/2017

Heard.

1. The applicant is arrested in connection with Crime No.152 of 2017 registered in Police Station- Nandghat, District- Bemetara (C.G.) for alleged commission of offence under Sections 376, 450, 506 IPC.
2. Case of the prosecution, in brief, is that the applicant committed rape on the prosecutrix aged 20 years.
3. Learned counsel for the applicant would submit that the written complaint lodged by the prosecutrix clearly shows that the prosecutrix and the applicant had been maintaining sexual relation for almost one year and the prosecutrix neither objected to it nor lodged any report and it is only when she became pregnant and the matter was disclosed, Panchayat meeting was called, that thereafter report has been lodged. He would submit that present is a case of clear consent. Therefore, the applicant may be released on bail.
4. On the other hand, learned counsel for the State, opposing the bail application, submits that according to report lodged by the prosecutrix, the applicant committed rape on her in the month of August 2016 and because of

the threat, she could not disclose and thereafter the applicant continued to commit this act with her until she became pregnant and then her father decided to lodge report after holding Panchayat meeting.

5. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration that the FIR was lodged ten months after the date of first incident intervening by repeated incident of sexual intercourse between the applicant and the prosecutrix and that report is lodged only after Panchayat meeting and further taking into consideration that investigation is complete and charge sheet has been filed and there is nothing to show that in the event of grant of bail, the applicant would tamper with the prosecution witnesses or abscond, the application is allowed.
6. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court, with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge