

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 798 OF 2017

Gautam Bose, S/o late Naresh Chandra Bose, Aged about 62 years, R/o Kalibadi, Haldibadi, PS Chirmiri, Tahsil Khadgawan, District Korea (CG) (wrongly mentioned in bail rejection order as District Surajpur).

... Applicant

Versus

State of Chhattisgarh, through Police Station Chirmiri, District Koriya (CG).

... Respondent

For Applicant	:	Shri Adil Minhaj, Advocate.
For Respondent-State	:	Shri Ashutosh Pandey, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

23/02/2017

1. This is the first bail application seeking for grant of bail to the Applicant who is in jail since 06.01.2017 in connection with Crime No. 428 of 2016 registered at Police Station Chirmiri, District Koriya, for the offence punishable under Sections 376 and 493 IPC.

2. As per the prosecution, the allegation against the applicant is that firstly in the capacity of landlord and secondly the employer of the prosecutrix as she is maid in the house of the applicant, is said to have ravished the prosecutrix on the pretext of marriage which he has subsequently refused leading to filing of complaint and the applicant was arrested on 06.01.2017.

3. Learned Counsel for Applicant submits that it is a case where the reasons for false allegation was on account of applicant forcing her to vacate the house owned by the applicant. It is also submitted that the prosecutrix had been threatening the applicant of dire consequence if he insists upon eviction of the said house. The present applicant is said to have lodged a report with the Police Station, Chirmiri in this regard on

17.12.2016. He further submits that the Applicant is in custody since 06.01.2017 and therefore he may be enlarged on bail.

4. Opposing the bail application, learned Counsel for the State submits that there is statement of the prosecutrix levelling serious allegations of continue ravishing the prosecutrix on the pretext of marriage, and therefore he may not be enlarged on bail.

5. Without commenting on merits, considering the totality of the facts and circumstances of the case and taking into account the 161 CrPC statement of the prosecutrix, keeping in view the age of the applicant and age difference between the applicant and the prosecutrix as also the fact that the Applicant is in detention since 06.01.2017, 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**