

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE NO. 7164 OF 2017

Vijay Das Panika, S/o Thakur Das Panika, aged about 24 years, R/o Village Karra, P.S. Dhaurpur, District Surguja (C.G.)

... Applicant

versus

State of Chhattisgarh, through Station House Officer, Police Station Dhaurpur, District Surguja (C.G.)

... Respondent

For Applicant	:	Mr. Shakti Raj Sinha, Advocate.
For Respondent-State	:	Mr. D.R. Minj, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

12/12/2017

1. The present is an application filed under Section 439 of CrPC seeking for grant of bail to the Applicant who is in jail since 3.6.2017 in connection with Crime No.29/2017 registered at Police Station- Dhaurpur, District Surguja, for the offence punishable under Sections 366, 343, 506, 376(2)(N) of IPC and Section 3(2-5) of the ST/SC (Prevention of Atrocities) Act.
2. Allegation against the Applicant as per the prosecution case is that the Applicant is said have abducted the Prosecutrix and kept her in his confinement and during this period he is said to have also had sexual relationship with the Prosecutrix.
3. Learned Counsel for the Applicant submits that, plain reading of the statement of the Prosecutrix recorded under Section 161 of CrPC itself would show that there was a consensual relationship between the Applicant and the Prosecutrix and that the Prosecutrix at no point of time had ever protested or raised alarm to save herself and therefore the Applicant deserves to be released on bail.

4. Learned Counsel for the State however opposing the bail application submits that it is a case where the Applicant is said to have forcefully taken the Prosecutrix on his motorcycle and kept her at an isolated place and forcefully ravished her and therefore he does not deserve to be released on bail.

5. Having considered the submissions put forth on either side and taking note of the statement of the Prosecutrix, prima facie, it appears that the Prosecutrix had sufficient opportunity to escape from the clutches of the Applicant and that there is also no prima facie material to show that there was any sign of protest or any objection raised by the Prosecutrix from having physical relationship with the Applicant or moving around with the Applicant. In the given facts and circumstances, this Court is of the opinion that prima facie a strong case is made out for grant of bail to the Applicant.

6. Accordingly, the bail application is allowed. It is ordered that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- 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