NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8604 of 2016

- Lal Bahadur Verma S/o Shri Keshav Verma, Aged About 38 Years R/o Shantinagar, Bhilai - 3 Police Station Bhilai, Civil & Revenue District Durg Chhattisgarh **--- Petitioner**

Versus

- State of Chhattisgarh through Station House Officer, Police Station - Supela, Civil & Revenue Distric Durg Chhattisgarh **--- Respondent**

For the applicant : Mr. Sunil Sahu, Advocate
For the Respondent : Mr. Anant Bajpai, Panel Lawyer
For the objector : Mr. Nirupama Bajpai, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.01.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 865 of 2016 registered at Police Station Supela, Distt. Durg (C.G) for the offence punishable under Sections 366, 376(2)(g), 120-B, 506 of IPC & Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. As per the prosecution case, a report was made by the victim on 20.09.2016 that initially she met the present applicant while travelling in a Bus and in order to expand her business of health management she subsequently met Ajit Singh, Kamlesh Chandrakar, Girish Khaparde who were introduced by the present applicant. Subsequently she came close to one of the accused Ajit Singh and when she went to Jagdalpur along-with Ajit Singh and stayed in a hotel, he committed forcible sexual intercourse on the pretext of

marriage. This happened in the month of July 2016. Subsequently she decided to force Ajit Singh for marriage. Thereafter, while the marriage papers were being prepared at that time she went to the applicant where the other accused Kamlesh Chandrakar and Girish Khaparde were present and they forcibly committed rape. It is alleged that the offence was committed on more than one occasion. Subsequently one more accused Dulal Chatterjee who came in contact with victim also committed sexual intercourse and further she was subjected to threatening that in case she raised voice, all the incident would be made public.

3. Learned counsel for the applicant would submit that the entire story as projected is completely improbable and the manner the incident happened do not inspire confidence. The applicant further referred to the statement of victim and would submit that there is delay in lodging the FIR and further no call details have been placed showing the conversation between the applicant and the victim. It is also submitted that the other accused Kamlesh Chandrakar and Girish Khaparde have been enlarged on bail by this Court in M.Cr.C.No.7752 of 2016 and M.Cr.C.No. 7527 of 2016. He further submits that the charge sheet has been filed and the applicant is in jail since 21.09.2016, therefore, he may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and other documents. Also perused the statement of victim wherein allegations of rape on two occasions have been attributed one in the month of July 2016 and the other in August 2016. However, no plausible explanation has been given for the delay in lodging the

report.

6. Considering the delay in lodging the FIR and no plausible explanation has been given thereof and further considering the totality of the facts and circumstances of the case especially the fact that similarly placed co-accused have been enlarged on bail by this Court; the charge sheet in this case has been filed and the applicant is in jail since 21.09.2016 I am inclined to release this applicant also on bail.

7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE

R a o