

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3385 of 2017

- Dhiraj Vishwas S/o Khitish Vishwas, Aged About 22 Years R/o Village Krishnagar (Kerwashila) Thana Ramanujganj, District Balrampur Ramanujganj, Chhattisgarh.

---- Applicant (in jail)

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Gandhinagar, District Surguja, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Sushil Dubey, Advocate
For Respondents/State	:	Shri Gary Mukhopadhyay, Dy.G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

12/06/2017

1. The present applicant is in jail since 27.11.2016 in connection with Crime No. 274/2016 registered at Police Station Gandhinagar, Dist. Surguja (C.G.), for the commission of offence punishable under Section 376, 366, 506, 34 of the I.P.C.
2. Case of the prosecution, in brief, is that the present applicant along with other accused persons is said to have forcibly taken the prosecutrix along with them on 22.08.2016 and the present applicant is said to have physical relationship with her. The prosecutrix was in the custody of the present applicant from 23.10.2016 till 28.10.2016, on which date, she has been recovered by her parents from the possession of the applicant. Later on, an F.I.R. has been registered on 28.10.2016 alleging that physical assault as well as rape against the prosecutrix has been done by the present applicant in connivance with the co-accused persons.
3. Learned counsel for the applicant submits that it is a case where there are 4 accused persons involved in the commission of offence. The

other three accused persons, namely, Vicky Viswas, Vishnu Gupta and Manjit Haldar have already been granted bail by the coordinate Bench of this Court. It is also contended that it is a case where there is no proper explanation in lodging the F.I.R. for more than two months. It is further put forth by the learned counsel for the applicant that the present complaint has been filed with a mala fide intention as the present applicant has filed another complaint against the family members of the prosecutrix of assault on 08.09.2016 and the family members of the prosecutrix were also arrested and were subsequently released on bail and only thereafter, the present complaint has been lodged.

4. On the other hand, learned counsel for the State, on due verification of the facts from the case diary, does not dispute these facts.

5. Considering the total facts and circumstances of the case, particularly, the delay in lodging the F.I.R. and the statements of witnesses examined during the course of investigation, it is a fit case where the applicant can be released on bail.

6. Accordingly, the present bail application is allowed. It is directed that in case if the applicant furnishes a personal for a sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned trial Court, then he shall be released on bail. 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.

Sd/-

(P. Sam Koshy)
V. Judge