

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3518 of 2017

- Khemraj Mahant S/o Late Vishram Mahant Aged 35 Years R/o Village Bhatapara Motipur Police Station Darima Tehsil Ambikapur, District-Surguja (CG).

---- Applicant (In jail)

Versus

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

---- Non-applicant

For Applicant	:	Shri Shakti Raj Sinha, Advocate
For Respondent	:	Shri Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

15/06/2017

1. The applicant has preferred this bail application for grant of regular bail as he is in custody since 30.4.2017 in connection with Crime No.236/17 registered at Police Station Ambikapur, Surguja (CG) for the offence punishable under Sections 366, 376, 342 of IPC and Section 3 (2-5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Case of the prosecution, in brief, is that present applicant under the threat of causing harm to the son of the prosecutrix is said to have forcibly taken her to different locations and thereafter is said to have ravished her continuously for a period of about more than 20 days and in the intervening period he is said to have kept the prosecutrix in his custody under lock and key.

3. Counsel for the applicant submits that it is case where the prosecutrix had voluntarily accompanied the applicant and stayed with him for a considerable period of time and thereafter when this fact was known to her husband, who denied her entry after she returned home, she has lodged the false report against the applicant.
4. On the other hand, learned counsel for the State opposes the bail application and submits that it is the case where statement of the prosecutrix reveals that she had been forced to accompany the applicant under the threat of applicant causing harm to her son. Therefore, he prays for rejection of the bail application.
5. Having considered rival contentions and on perusal of the case diary what is clear from the statement of the prosecutrix is that present applicant had taken away her to different locations at different districts in the public transport where there were all possibilities of having huge crowd and where the prosecutrix had ample opportunities to raise alarm and seek for help and having not done so gives a great element of doubt on the story of the prosecutrix. In the given facts and circumstances of the case, this Court is of the opinion that present is a fit case for grant of regular bail to the applicant.
6. Accordingly, the bail application is allowed. It is directed that on applicant's furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court concerned, he be released on bail. The applicant is directed to appear before the concerned trial Court on each and every date given by the said Court till disposal of trial.
7. Certified copy as per rules.

Sd/-
(P. Sam Koshy)
Vacation Judge

roshan/-