

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5629 of 2017

Shailendra Sahu S/o Late Fatte Lal Sahu, Aged About 22 Years R/o
Dondekhurd, Police Station Vidhan Sabha, Tahsil & District Raipur,
Chhattisgarh, Mobile No. 7694971356

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Pandri, District
Raipur, Chhattisgarh

---- Respondent

For applicant - Shri L.K. Mishra, Advocate.
For Respondent/State –Shri S.R.J. Jaiswal, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

21/11/2017

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.154/2017 registered in Police Station Pandri, District Raipur (C.G.) for offence punishable under sections 354B, 294, 506, 376 of IPC.
2. Case of the prosecution, in brief, is that a report was made by the victim on 2/06/2017 that the applicant in between the period of 17/02/2017 to 1/06/2017 on several times tried to outrage her modesty, extended threat to kill and also extended threat to throw acid. Subsequently, when the statement was given under section 164 of Cr.P.C. it was stated that the applicant also committed rape 2-3 times forcefully with the victim.
3. Learned counsel for the applicant submits that there is no explanation to the fact that why the prosecutrix did not make any report she was major and the allegation of sexual intercourse was made for the first time in statement under section 164 of Cr.P.C. which do not find in statement under section 161 of Cr.P.C., he has been falsely implicated, therefore the applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. Perused the case diary and the documents. Charge sheet in this case has been filed. In FIR allegation of rape has not been made. Subsequently in statement under section 164 of Cr.P.C. allegation of rape has been made. Medical report also prima facie do not give any positive opinion about sexual intercourse. Considering the delay and the statement also the fact that applicant is in jail since 3/06/2017, charge sheet has been filed, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE