

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. No. 6335 of 2017

Jotram S/o Late Shri Gontu Ram, aged about 56 years, by caste – Panika,
R/o Street Dafai, Haldibadi, P.S.Chirmiri, District Korea (C.G.).

--- Applicant

Versus

State Of Chhattisgarh Through the S.H.O. Police Station Chirmiri, District
Korea (C.G.).

---Non-applicant

For Applicant : Ms.Indira Tripathi, Advocate.

For Respondent/State : Ms.M.Asha, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

28/11/2017

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.237/2017 registered at Police Station Chirmiri, District Korea (C.G.) for the offence punishable under Section 376, 342 and 506 of I.P.C.
2. Present applicant is in jail since 03/07/2017.
3. As per the prosecution case the allegation against the present applicant is that, the present applicant is said to have taken the prosecutrix - a 30 years old lady to the house of one Pardeshi Dokra and there he is said to have raped her.
4. The counsel for the applicant submits that, the statement of the prosecutrix under Section 161 and 164 by itself would reveal that, the present applicant has been falsely implicated as there are law of imprisonment seems in the subsequent statement.
5. Perusal of the statement of the girls to whom the prosecutrix is said to have divulged immediately after the incident they were not told of any

thing as such. Perusal of record also shows that, Pardeshi Dokra also did not make any such statement.

6. The State counsel however opposing the bail application submits that, there is no reason to disbelieve the statement of the prosecutrix and that she has given the minute details of the incident and the offence to have been committed by the present applicant and thus prayed for rejecting the bail application.

7. The facts as is reflected from the case diary is that, the date of incident is alleged to be on 28/06/2017 in the afternoon and the report has been lodged on the next day i.e. on 29/06/2017 at around 16.30 hours in the evening. No plausible explanation has been given for the delay caused except for the bold averment of act to have been committed on the assurance of marriage.

8. Perusal of record show that, the Rani Panika and Shraddha Agrahari both the two persons who had seen the prosecutrix immediately after she had come out of the house of Pardeshi Dokra, they did not make any such statement of the prosecutrix having divulged the incident to the two persons. Neither is there any such statement made by the Pardeshi Dokra. Moreover, from the statement of Rani Panika and Shraddha Agrahari it reflects that, the prosecutrix appears to be under intoxication of liquor as she was in a inebriated condition.

9. Considering the aforesaid facts and circumstances of the case, this Court is of the opinion that, prima facie, a strong case has been made out for grant of bail to the present applicant.

10. Accordingly, the application for grant of bail is allowed. It is ordered that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the

satisfaction of the concerned Trial Court. The applicant shall thereafter appear before the Trial Court on each and every date given by the said court.

Sumit

Sd/-
(P. Sam Koshy)
Judge