

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 462 of 2018**

Ravindra Pal, S/o. Lal Jeet Pal, Aged About 25 Years, R/o. Sawni, Out Post Ganesh Bhond, Police Station -Balrampur, District -Balrampur -Ramanujanj, Chhattisgarh.

---- Applicant**Versus**

The State Of Chhattisgarh, Through : Police Station -Balrampur, District Balrampur -Ramanujanj, Chhattisgarh.

---- Respondent

For Applicant : Mr. A.K. Prasad, Advocate

For State/respondent : Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****20/03/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.125/2017, registered at Police Station – Balrampur, District – Balrampur (C.G.), for the offence punishable under Section 376, 323 of the Indian Penal Code and Section 3 (2) (5) of the S.C. & S.T. (Prevention of Atrocities) Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case and no case is made out against the applicant. The date of incident according to the FIR is 27.08.2017, whereas, the FIR was lodged on 08.09.2017, regarding

which, no proper explanation has been given by the prosecutrix. Prosecutrix has named witnesses in her FIR, who have not supported her case even during the investigation and have stated in negative regarding the incident that has taken place. Applicant is in jail since 18.09.2017. Therefore, it is prayed that the applicant may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that in the FIR, statement recorded under Section 161 and 164 of Cr.P.C. of the prosecutrix, clearly shows that prosecutrix was not a consenting party and delay in lodging of FIR is properly explained. Hence, no case is made out for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The allegation against this applicant is this that on the date of incident when the prosecutrix was cutting grass in the field, this applicant approached her and by force committed rape with her without her willingness and consent. The FIR is of course delayed and was recorded on 08.09.2017. Delay explained is this that a meeting of village elders were called and subsequent to that prosecutrix herself became ill, hence, she could not come to the police station.
6. Considered on the submissions made and the contents of the case diary and also perused the statement of the witnesses named by the prosecutrix in the FIR, who have not supported the case of the prosecution case. The husband of the prosecutrix has given statement that village meeting could not be held as the applicant could not be

found, hence looking to the statement of the prosecutrix and other witnesses and after considering on them, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge