

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 106 of 2018**

Pradeep Choudhari S/o Krishna Kumar Choudhari, Aged About 32 Years R/o. Patpariya, Police Station Gandhinagar, Tahsil Ambikapur, District Surguja Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Mahila Police Station Ambikapur, District Surguja Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Manoj Paranjpe, Advocate.
For the Respondent/State	:	Ms. Smita Ghai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****13.03.2018**

Heard.

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.14 of 2017, registered at Police Station – Mahila Police Station Ambikapur, District - Surguja, Chhattisgarh for the offence punishable under Sections 376(2)(dha) and 506 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. The prosecutrix in this case is aged about 20 years and she is capable of giving consent for sexual intercourse. The time of incident is between 29.7.2017 and 12.10.2017 and during which, when the prosecutrix was working as house-maid in the house of this applicant, when the alleged offence of rape was committed by this applicant. The

prosecutrix left the job and went to Sudhar Griha, Ambikapur, where she was examined by the office bearers of Sudhar Griha on 26.10.2017, in which she has stated that because of ill-treatment given by her mother she wanted to reside in Sudhar Griha. When the prosecutrix was examined medically, it was found that she was pregnant and at that time she disclosed that she had physical relationship with this applicant and according to the rules and regulations of Sudhar Griha she was directed to lodge FIR against this applicant. Hence, the FIR was lodged on 1.11.2017. It is clearly a case of consent and no case is made out against this applicant. Hence, it is prayed that the applicant be enlarged on bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that in her statement, the prosecutrix has clearly alleged that the applicant has raped the prosecutrix without her consent and willingness. Hence, no case is made out for grant of regular bail to the applicant.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, the prosecutrix was employed as house-maid in the house of this applicant. On the first date of incident, finding the prosecutrix alone, this applicant took her to a room and committed rape with her for the first time. After 15 days again finding the prosecutrix alone, the applicant raped her for the second time and as the applicant has asked the prosecutrix not to disclose about this incident to anybody, she agreed to that. The prosecutrix left her job and went to Sudhar Griha, Ambikapur, where during medical examination she was found to be

pregnant and thereafter, on a direction given by the President of Sudhar Griha, she lodged FIR against this applicant.

6. Considering the entire material present in the case-diary, and the facts that the arguments submitted by counsel for the applicant find support from the prosecution case itself, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge