

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 189 of 2018**

Digvijay Kumar Dahre S/o Shri Mohanlal Dahre Aged About 32 Years R/o- Ward No. 8, School Mohalla, Thathari, Tahsil Jaijaipur, P.S. Baradwar, District- Janjgir- Champa, Chhattisgarh, At Present Resident Of Village Bhilai, P.S. Baloda, District- Janjgir- Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, Police Station Janjgir, Civil And Revenue District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh.

---- Respondent

For the Applicant : Shri Rakesh Pandey, Advocate.
For the Respondent/ State : Shri Vinod Tekam, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****26.04.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 54 of 2018, registered at Police Station – Janjgir, District – Janjgir-Champa, Chhattisgarh for the offence punishable under Section 376 of the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is a government servant. FIR has been lodged after delay of 23 days and as per the contents of the FIR

totally improbable story has been set out by the complainant and the prosecutrix in this case. The applicant and the husband of the prosecutrix are friends and they had normal relation until the complaint has been lodged and there is no explanation for the delay. The other reason for lodging of FIR is that the husband of the prosecutrix had taken some loan from this applicant when the applicant pressurized to return the same, the complainant and the prosecutrix lodged false FIR against the applicant.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the prosecutrix has made direct allegation in this case and also submitted that she was put under threat by the applicant. Hence, for these reasons, he is not entitled for grant of bail.

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

6. According to the case against this applicant, on 31.12.2017 at about 10:00 am the applicant came into the house of the prosecutrix and finding her alone, he forcefully committed rape with her. Thereafter, he threatened the prosecutrix with dire consequences in case she lodges FIR or discloses to anybody. FIR was lodged on 23.1.2018 and the prosecutrix stated that because of threat given to her, the delay occurred in lodging the FIR. Looking to the statement of the prosecutrix, at this stage, I am of this view that the applicant is not entitled for grant of anticipatory bail to the applicant.

7. Accordingly, the bail application filed under Section 438 of the Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi