

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1281 of 2018**

Gagandeep Singh S/o.- Ranjeet Singh Aged About 30 Years Occupation- I.T. Trainer, R/o- E.W.S.-526, Vaishali Nagar, P.S.- Vaishali Nagar Chowki, P.S.- Supela, Bhilai, Tehsil And District- Durg, Chhattisgarh, District : Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- District Magistrate- Durg, District- Durg, Chhattisgarh, District : Durg, Chhattisgarh.

---- Respondent

For the Applicant : Shri Jaydeep Singh Yadav, Advocate.
For the Respondent/State : Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****18.04.2018**

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.518 of 2017, registered at Police Station – Supela, District – Durg, Chhattisgarh for the offence punishable under Sections 342, 376 and 506 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant is in jail since 21.12.2017 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. According to the prosecution case, the prosecutrix has not made any specific statement in the FIR that the applicant has raped

her and further no specific dates are given regarding commission of offence. FIR is delayed by 40 days for which no explanation has been given. After completion of investigation, the charge-sheet has been filed and the trial of the case is likely to take sometime for its conclusion. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that 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 applicant and the prosecutrix both were doing job in the same concern, during which on one day the applicant gave lift to the prosecutrix and administered some intoxicated substance to her because of which, she became unconscious. After sometime, the applicant threatened the prosecutrix that he has prepared an objectionable video of the prosecutrix and if she does not submit to his wishes he will make that video viral and thus, he exploited her sexually on various occasions. It is alleged that the applicant also made use of the mobile phone of the prosecutrix to threaten other persons because of which, a written complaint was given in P.S. Supela by the prosecutrix and on that basis, FIR be registered against this applicant.

6. Considering the entire material present in the case-diary, the prosecutrix is a 35-year old woman and mother of two children, the delay in lodging of FIR is to be explained in the trial and presently, the trial is pending

which is likely to take sometime for its conclusion, 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 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