

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1491 of 2018

Ram Kumar Sahu S/o Ram Khilawan Aged About 30 Years R/o- Hirmi, Police Station- Suhela, At Present Resident Of Parshuram Ward, Bhatapara, Police Station Bhatapara (City) Civil And Revenue District Baloda Bazar Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station- Bhatapara (City), Civil And Revenue District Baloda Bazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

For Applicant	:	Shri Janak Ram Verma, Advocate
For State	:	Shri Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

20/04/2018

Heard.

The applicant has been arrested in connection with Crime No.22/2018 registered in Police Station- Bhatapara, District - Baloda Bazar – Bhatapara (C.G.) for alleged commission of offences under Sections 376, 323, 506 of IPC.

2. Case of the prosecution is the applicant committed rape on the prosecutrix.
3. Learned counsel for the applicant submits that the prosecutrix has falsely implicated him because of some dispute having arose between them. He submits that even according to the prosecutrix, the prosecutrix had a long drawn affair with the applicant and later on, the prosecutrix was divorced by her husband only on the ground that the prosecutrix is having an affair with the present applicant. Next submission is that even according to the prosecutrix, she and the applicant had physical relations and even though sexual intercourse is alleged to have happened on 02/01/2018, no report was lodged and then again on 12/01/2018, the applicant and the prosecutrix had physical relations and the report was lodged as late as on 16/01/2018. Therefore, it

shows false implication.

4. On the other hand, learned counsel for the State opposes bail application and submits that merely because the prosecutrix lodged report after some delay, it cannot be said that it is a case of consent because the prosecutrix sustained injury.

5. From the statement of the prosecutrix, *prima facie* it appears that she and the applicant had a long drawn affair in the past due to which, her husband divorced her and and she has been very frequently meeting with the applicant. According to the prosecutrix, she had sexual intercourse with the applicant on 02/01/2018 followed by 12/01/2018 and FIR has been lodged on 16/01/2018, presumably, because there was some dispute between the parties. Therefore, in these circumstances, I am inclined to grant bail to the applicant as investigation is complete, charge sheet has been filed.

6. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned Trial Court, with following further conditions:

- (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge