

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1799 of 2018

Sheikh Mohammad Jakir Khan S/o S/o Nazir Khan Aged About 27
Years R/o Village Daandgaon, P.S. Udaipur, District Surguja,
Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Petitioner

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Udaipur, District Surguja, Chhattisgarh, District : Surguja
(Ambikapur), Chhattisgarh

---- Respondent

For Applicant : Mr. Nishikant Sinha, Advocate.

For State : Mr. Chandresh Shrivastava, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

11/05/2018

1. The applicant has been arrested in connection with the Crime No. 133/2017 registered at Police Station –Udaipur, District- Sarguja, (CG) for alleged commission of offences under Section 376(2)(n) of IPC.
2. The case of the prosecution is that the applicant committed rape on the prosecutrix.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the alleged incident. He submits that prosecution story is falsified from the prosecutrix statement under Section 164 of Cr.P.C which clearly shows that the applicant and prosecutrix were having affair since last one year and were also having sexual intercourse on repeated occasions, it was only when they were seen in compromising position by the mother of the prosecutrix, report was lodged.

4. On the other hand, learned counsel for the State opposes bail application and submits that the statement of the prosecutrix under Section 164 Cr.P.C and also 161 Cr.P.C statement and the applicant used to commit sexual intercourse by giving her threat and because of the threat she used to succumb to his demands of sexual intercourse for one year and finally which was seen by the mother of the prosecutrix. Therefore, case is made out.

5. Having considered the submission of learned counsel for the parties and having perused the case diary and the prosecutrix statement under Section 164 Cr.P.C and taking into consideration the FIR has been lodged after more than one year of the alleged incident when the prosecutrix and the applicant were seen in compromising situation, investigation is complete and charge-sheet has been filed. The application is allowed.

6. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- along with one local surety of the like amount to the satisfaction of the Trial Court. He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

Sd/-

(Manindra Mohan Shrivastava)

Judge