

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 318 of 2018

Deepak Sahu S/o Gayaram Sahu Aged About 26 Years
Occupation Labourer, R/o Bhathupara, Ambikapur,
Outpost Manipur, Police Station & Tahsil Ambikapur
District : Surguja (Ambikapur), Chhattisgarh

--- Applicant

Versus

State of Chhattisgarh through the Station House Officer,
Police Station Ajak Ambikapur District : Surguja
Chhattisgarh

--- Respondent

For the applicant : Mr. Aditya Bhardwaj, Advocate.
For the State : Mrs. Madhunisha Singh, P.L.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04.05.2018

1. Apprehending arrest in connection with Crime No. 5/2018 registered at Police Station AJAK, Ambikapur, Distt. Surguja (C.G) for the offences punishable u/ss 450, 376(2)(N), 323, 506, 417 of IPC and section 5(Tha)/6 of the Protection of Children from Sexual Offences Act, 2012 & Section 3(1)(D), 3(2-5), 3(2)(V)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the applicant has filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, a report was made by the victim on 13.02.2018 that on 22.3.2008 while the victim was alone in the house, the applicant came there and forcibly committed sexual intercourse with her.
3. Learned counsel for the applicant would submit that the

activities have been shown by the victim in enraged state of mind as she has made a report after a long gape of 10 years of the alleged incident and no offence has been committed. It is submitted that the prosecutrix was subsequently married and thereafter false allegations have been attributed, therefore, the applicant may be admitted to anticipatory bail.

4. Per contra, learned State Counsel opposes the prayer.
5. Perused the documents and the case diary. The case diary also contains the statement recorded u/s 164 of Cr.P.C., wherein no allegations have been attributed and she has stated that in an enraged state of mind she reported about the rape. It appears that apparently the FIR is made after a long period of 10 years of the alleged incident. Considering such facts situation of the case, I am inclined to admit the applicant to anticipatory bail.
6. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the officer arresting him or the concerned Investigating Officer. The applicant shall also abide by the following conditions :-
 - (i) that he shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing

- such facts to the Court or any police officer;
- (iii) that he shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**

R a o