

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4527 of 2018**

- Kapil Prasad Gupta S/o Late Ghasi Gupta Aged About 50 Years R/o- Lakhanpur, Police Station And Tehsil- Lakhanpur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through- Station House Officer, Police Station- Kunni, Lakhanpur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

For Applicants	: Mr. Sunil Otwani, Advocate
For State/respondent	: Mrs. Smita Ghai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****20/07/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.70/2018, registered at Police Station-Kunni-Lakhanpur, District-Surguja(C.G.) for the offence punishable under Sections 343, 376(2) n, 506B & 366 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix is a

33 year old major and married woman, with whom the applicant had already had affair before the date of incident. As per the case against this applicant, this applicant along with prosecutrix had stayed in the house of Guddu Singh Rathia for 3 days and during that period, the prosecutrix was not in any confinement and she never made any complaint or raised any alarm, which is disclosed from the statement recorded under Section 161 of CrPC given by the Guddu Singh Rathia and his wife, hence, it is totally a case of consensual relationship, therefore, it is prayed that he may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that according to the FIR lodged by the complainant, she was abducted, confined, threatened and raped by this applicant, hence, no case is made out for grant of regular bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to prosecution case, the applicant abducted the prosecutrix and kept her confinement in the house of Guggu Singh Rathia for 3 days from 4.4.2018 to 7.4.2018. On 7.4.2018, prosecutrix made her escape and lodged FIR against him. Hence, this case.
6. Considered the statement given by Guddu Singh Rathia and his wife, after due consideration on all the material present in the case diary, for these reasons, I am of this view that this is a fit case where the applicant should be released on bail.
7. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed. It is directed that applicants 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

Nisha