

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2437 of 2019**

- Ramnaresh Gupta, S/o Munshi Gupta, aged about 46 years, R/o Batauli, Police Station Batauli, District Surguja, Chhattisgarh, (.C.G.).

---- Applicant**Versus**

- State of Chhattisgarh Through Police Station AJAK Ambikapur, District - Surguja, (.C.G.).

---- Respondent

For Applicant	: Shri Manoj Paranjpe, Advocate.
For Respondent/State	: Shri Amit Singh, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

13/05/2019

1. Pursuant to order dated 16.04.2019, prosecutrix is present alongwith her father namely Mukut Das Bada before this Court today. Their presence is marked. On being asked regarding grant of bail to the Applicant, on this, prosecutrix has raised her objection.
2. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 09/2019, registered at Police Station – Ajak, Ambikapur, District - Surguja, (C.G.) for the offence punishable under Sections 376(2) of IPC, Sections 6 & 7 of POCSO Act & Section 3(2) (v) of the SC/ST (Prevention of Atrocities) Act.
3. In this case, age of the prosecutrix at the relevant time was about 16 years. On 20.02.2019, prosecutrix lodged FIR against the Applicant.

Prosecutrix used to work in the shop of the Applicant for which she was paid Rs. 3,000/- per month. Report was lodged on the allegation that on 15.02.2019 when she was working in the shop, then present Applicant tried to outrage her modesty and on the next day i.e. 16.02.2019 at about 10:30 am, Applicant committed forcible sexual intercourse with the prosecutrix. After the incident, prosecutrix narrated the whole story to her mother through mobile. At that time, father of the prosecutrix was not present in the house and when he returned on 20.02.2019, FIR was lodged and on the basis of the said, offence has been registered. Applicant has been taken into custody on 21.02.2019.

4. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case due to some dispute because some hot talk were exchanged between the Applicant and mother of the prosecutrix regarding payment of advance amount. Complaint to the effect was also lodged by the wife of the Applicant namely Rajni Gupta, copy of complaint was received by the Superintendent of Police, Surguja. It is also submitted that incident took place on 15.02.2019 & 16.02.2019 and just after the incident, mother of the prosecutrix had gone to the shop of Applicant for purchasing items after knowing the fact that her daughter has been subjected to forcible sexual intercourse, this fact seems to be doubtful. Looking to the statements of mother of the prosecutrix and two other witnesses namely Anjali Das and Salima Das, it reflects that on 16.02.2019, mother of the prosecutrix had gone to the shop and hot talk were exchanged with Applicant in the shop. Also, delay in lodging

FIR seems to be concocted. Whole story also seems to be unnatural and suspicious. Applicant is in custody since 21.02.2019 and trial is likely to take some time. Therefore, Applicant may be released on bail.

5. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that Applicant is in custody since 21.02.2019 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge