

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3763 of 2019**

Aarti Dewar S/o Faguram Dewar Aged About 28 Years R/o Village- Karmada, Police Station- City Kotwali, Balodabazar, District- Balodabazar- Bhatapara, Chhattisgarh.

---- Applicant**Versus**

State Of Chhatisgarh Through Station House Officer, Police Station- City Kotwali, Balodabazar, District- Balodabazar- Bhatapara, Chhattisgarh.

---- Respondent

For the Applicant : Shri Hemant Gupta, Advocate.
For the Respondent/State : Shri Aditya Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****15.07.2019**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.643 of 2018, registered at Police Station – City Kotwali, Baloda Bazar, District – Baloda Bazar - Bhatapara, Chhattisgarh for the offence punishable under Sections 366 and 376 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 9.3.2019 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The first incident as alleged took place on

25.9.2018 regarding which, the prosecutrix never complained. Thereafter, the prosecutrix left with this applicant in presence of her husband on 7.10.2018 and went to places Bilaspur, Delhi and Jaipur and then she has returned to her husband. The conduct of the prosecutrix shows that she was a consenting party. The prosecutrix is a major woman of age 25 years. Hence, for these reasons, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the prosecutrix has made a statement that she was forcefully raped by the applicant by putting her under threat. Hence, the applicant is not entitled for grant of regular bail.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, the prosecutrix was first raped by this applicant on 25.9.2018 and threatened her for not disclosing about the incident. Thereafter, the applicant took the prosecutrix with him to Bilaspur, Delhi and Jaipur where while staying in the house of sister of the applicant, the prosecutrix was raped again. The prosecutrix then informed her husband about the incident on 18.10.2018 and subsequent to which, the FIR was lodged on 21.10.2018.

6. After considering the facts and circumstances of the case and the material present in the case-diary, I feel inclined to grant bail to the applicant in this case.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge