

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1234 of 2019

- Rajendra Kumar Paikara S/o Shri D.N. Paikara, Aged About 52 Years, Caste - Kurmi, R/o Bagbahara, Police Station and Tahsil Bagbahara, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Bagbahara, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

For Applicant – Shri Mayank Chandrakar, Advocate.

For Non-applicant/State – Shri Chandrabhushan Kesharwani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-09-2019

1. Apprehending arrest in connection with Crime No.158/2019, registered at Police Station – Bagbahara, District- Mahasamund, Chhattisgarh for offence punishable under Section 376, 506 of the IPC, the applicant has preferred this application for grant of anticipatory bail.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The incident in this case took place on 02-08-2016, subsequent to which the FIR has been lodged after almost three years, regarding which there is no explanation. The reason of lodging the FIR is this, that the applicant has lodged one FIR against the husband of the prosecutrix on 18-08-2016, on the basis of which offences were registered against him. As the prosecutrix and her husband are making attempt for compromise, to which the applicant has refused, therefore, this false FIR has been lodged. Hence, it is prayed that the applicant may be granted anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the delay in lodging the FIR has been explained by the prosecutrix, therefore, no case is made out for grant of anticipatory bail.

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

5. According to the FIR lodged, the incident took place on 02-08-2016 when the applicant on the pretext of giving medical treatment to the prosecutrix committed offence of rape with her and also threatened her for not disclosing about the incident to anyone. However, the prosecutrix disclosed about this incident to her husband and then her husband met with the applicant and assaulted him, because of which the applicant had lodged one FIR against her husband. After passing of three years, just two days before lodging of the FIR the applicant again met with the prosecutrix finding her alone tried to outrage her modesty, thereafter, the prosecutrix has lodged this FIR.

6. Some explanation has been given by the prosecutrix regarding delay in lodging the FIR, therefore, at this stage I do not feel inclined to allow this application.

7. Consequently, the application filed by the applicant under Section 438 for grant of anticipatory bail is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge