

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1294 of 2019

- Ashish Kumar Paikra S/o Bharat Ram Paikra Aged About 28 Years
Caste - Kanwar, R/o Bichhitola, Police Station Bagbahra, District
Jashpur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station
Kansabel, District Jashpur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Hemant Gupta, Advocate.
For Respondent/State	: Ms. Shriya Mishra, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

23/10/2019

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 65/2019, registered at Police Station Kansabel, Distt. Jashpur, Chhattisgarh for the offence punishable under Section 376 (D) of the IPC.
2. In this case the age of the prosecutrix is about 30 years. On 16.05.2019, prosecutrix lodged a report in police station alleging therein that she had developed relationship with one Vijay Paikra in the year 2009 thereafter on 07.12.2012, both have executed an agreement regarding their marriage thereafter both were resided together as husband and wife. In the year 2012 itself, Vijay Paikra taken her on his motorcycle to jungle thereafter, the applicant and other co-accused person came their and they all have committed

forcible sexual intercourse with the prosecutrix. Thereafter, Vijay Paikra promised the prosecutrix that he will perform marry with her due to that she has not lodged complaint earlier against them. On the basis of said report, offence has been registered.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that the entire story narrated by the prosecutrix is suspicious and unnatural. It is further submitted by him that a separate report has been lodged by the prosecutrix/complainant against Vijay Paikra on the basis of which a separate crime no 103/2019 has been registered against Vijay Paikra. He further submits that as alleged by the prosecutrix, the incident has taken place in the year 2012 and the FIR has been lodged in the year 2019, there is a delay of 7 years in lodging the FIR and no proper explanation has given by the prosecution regarding delay. The applicant is a reputed person of his society, he is the permanent resident of above mentioned address and there is no chance of his absconding, therefore, he may be granted benefit of anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the story made by the prosecutrix and there is a delay of 7 years in lodging the FIR. Without further commenting on merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed.

8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-

- I. That the accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;
- II. The accused/applicant 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 to any police officer;
- III. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. The applicant shall appear before the Trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge