

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5582 of 2019

Rishi Yadav, S/o. Baratu Yadav, Aged About 27 Years, Occupation – Meson,
R/o. Village - Bhilori, Police Station Dhamdha, District Durg Civil and
Revenue District Durg Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through - The Collector Durg, District Durg
Chhattisgarh.

---- Respondent

For Applicant : Mr. Vipin Tiwari, Advocate

For Respondent/State : Mr. Shrikant Kaushik, P.L..

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

22/10/2019

1. This is the second 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.202/2017, registered at Police Station – Dhamdha, District – Durg (C.G.) for the offence punishable under Section 376, 450, 306 of the Indian Penal Code. The first bail application of the applicant is dismissed as withdrawn in M.Cr.C. No.1723 of 2018 vide order dated 24.04.2018.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. The applicant is in jail since 24.10.2017. It is

submitted that according to the FIR lodged, there had been relation between the applicant and the prosecutrix for about three years and the last incident occurred on 06.09.2017, even then FIR was lodged after passing of more than one month on 23.10.2017 and on the very next day the applicant himself has surrendered to the police. The victim then has committed suicide on 27.11.2017 after the detention of more than one month of the applicant in jail and her suicide can not be attributed on the part of this applicant. Hence, it is prayed that the applicant may be enlarged on regular 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 because of the offence committed by this applicant, the victim in this case compelled to commit suicide, therefore, the applicant is not entitled for grant of regular bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, the prosecutrix has alleged that this applicant had by putting her under threat continuously exploited her sexually for about three years and thereafter on 06.09.2017 in absence of the parents of the prosecutrix, the applicant entered into her house and forcefully raped her. After lodging of FIR and arrest of the applicant, the prosecutrix has committed suicide on 27.11.2017. She has left suicide note, in which the applicant has been held responsible.
6. Considered on the submissions made and the contents of the case diary. Considering that there had been long sequence of incidents, even then FIR has been lodged belatedly, which is a circumstance,

which needs consideration. Apart from that at the time of commission of suicide by the deceased, the applicant was in detention in jail and also for the reason that almost two years have been passed and the trial against the applicant has not completed, hence for these reasons, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge