

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.6868 of 2019**

Shanti Rajwade, W/o Anupal Rajwade, aged about 31 years, R/o Karahiya Khad, Police Station Patna, District Koriya (Baikunthpur) C.G.

**---- Applicant****Versus**

State of Chhattisgarh, through Station House Officer, Police Station Patna (wrongly mentioned as Ajak, Police Station Baikunthpur), District Koriya (CG).

**---- Non-applicant**


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For Applicant : Mr. Kaushal Yadav, Advocate

For Non-applicant : Mr. Praveen Shrivastava, Panel Lawyer

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**Hon'ble Shri Justice Sharad Kumar Gupta****Order On Board****08.11.2019**

1. This is the second bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.3/2018 registered at Police Station Patna, District Koriya for the offence punishable under Sections 376(2)(D), 328, 109 of IPC and Sections 3(1)(w), 3(2)(5) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.
2. The first bail application of the applicant was rejected on merits by this Court vide order dated 21.01.2019 passed in M.Cr.C. No. 9070/2018 considering prima facie case against him.
3. Case of the prosecution, in brief, is that the prosecutrix was aged about 18 years. She is resident of village Karhiya Khand. She is a member of Scheduled Tribe. She is neither member of Scheduled Caste nor Scheduled Tribe. On 15.08.2018 at about 3:00 p.m. at village Karhiya Khand, the prosecutrix was going to see her paternal aunt. Applicant whose house on the way called the prosecutrix. Prosecutrix went in her house. Applicant forced her to drink liquor. She became intoxicated. The others co-accused namely Anupal Rajwade and Gorelal

Singh who were already present in the house of applicant, took the prosecutrix towards cowshed. Applicant also reached there after following them. The applicant knocked the door. Both the said co-accused committed forcibly sexual intercourse with the prosecutrix.

4. Counsel for the applicant submitted that the applicant is in jail since 23.08.2018. F.I.R. is delayed. She is a female, thus she may be released on bail.
5. On the other hand, counsel for the State opposed the bail application. However, he submitted that no criminal antecedent has been reported against the applicant as per police case diary.
6. This is true that the detention period of the applicant is a important factor for deciding the bail application. But equally, it is also true that some other factors like seriousness of the offence and impact of granting bail to the applicant on society are also material and important factors for disposal of the bail application. Delayed in lodging the F.I.R. is not a sole ground on the strength of which the applicant may be released on bail.
7. What would be effect of delayed in lodging the F.I.R. shall be considered at the time of appreciation of evidence by the trial Court.
8. Looking to the above mentioned facts and circumstances of the case, looking to the material available on record against the applicant, this Court finds that it is not a fit case where the applicant may be released on bail in the second round of litigation. Consequently, the second bail application of the applicant is rejected. However, the trial Court is directed to expedite the trial and dispose of case as soon as possible from the date of receipt of certified copy of this order.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)  
**JUDGE**