

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1700 of 2018**

- Ravindra Kumar Dansena, S/o. Shri Hemlal Dansena, Aged About 28 Years, Occupation- Service at JSPL Angul Odisha, Permanent R/o. Village- Kosamnara, Police Station- Kotra Road, Raigarh, Tahsil and District- Raigarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through: Station House Officer, Police Station- Kotra Road, District- Raigarh, Chhattisgarh.

---- Non-applicant

For Applicant: Ms. Sharmila Singhai and Mr. Abhishek Saraf, Advocates.

For State/non-applicant : Mr. H.S. Ahluwalia, Deputy A.G.

Mr. Goutam Khetrpal and Mr. Ashish Gupta, Advocates for the objector.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****29/01/2019**

1. Apprehending arrest in connection with Crime No.321/2018, registered at Police Station – Kotra Road, District – Raigarh (C.G.) for offence punishable under Section 376 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out. The prosecutrix has come forward with an impossible case as the applicant has a strong case of alibi as he was in service with Jindal Steel and Power Ltd. at Angul and according to the office records he was present on the duty on date of incident, i.e., 16-04-2018 and then he was again present on duty on 17-04-2018 also.

The physical distance of Angul to Raigarh is 298 Km. which is impossible to cover by any conveyance to be present at the time of incident. It is also submitted that the prosecutrix had kept silence for about 7 months and then has lodged this FIR which by itself appears to be false. Therefore, it is prayed that the application may be allowed.

3. On the other hand, learned counsel for the State/non-applicant opposes the application and submits that traveling by a fast conveyance may make it possible for a person to reach the place of incident as according to the verification report of the applicant present on his duty, he was relieved at about 2.00 pm in the afternoon and the incident took place between 7 to 8 pm. It is also submitted that the prosecutrix has given explanation regarding the delay. Therefore, the application may be rejected.
4. Learned counsel for the objector submits that according to the survey made by him, the distance between Angul to Raigarh is 210 kms. and it only takes 4 to 5 hours in a fast conveyance. Hence, the alibi as taken is not a correct defence for the applicant. Therefore, the application may be rejected.
5. Heard learned counsel for the parties and perused the case diary.
6. The prosecutrix has lodged the FIR against the applicant that she and the applicant had acquaintance. After she got married, because of telephone calls made by the applicant, she was ill treated in her matrimonial home. On asking by the applicant she came back to Raigarh where the applicant met her on the date of incident and then without her willingness and consent he committed the offence of rape with her.

7. After due consideration on all the facts and circumstances of this case as found present in the case diary, I do not feel inclined to allow this application.
8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Adil