

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 764 of 2020

- Ayyub Saifi S/o Mohd. Rahman, Aged About 22 Years, Resident of Bus Stand, Silyari, Police Station- Dharsinwa, District- Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through- Station House Officer, Police Station- Dharsinwa, District- Raipur Chhattisgarh, District : Raipur, Chhattisgarh

----Non-applicant

For Applicant – Shri Chitendra Singh, Advocate.

For Non-applicant/State – Smt. Sunita Jain, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-06-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 15-11-2019 in connection with Crime No.558/2019 registered at Police Station – Dharsinwa, District- Raipur, Chhattisgarh for the offence under Section 376, 506, 384 of the IPC and Section 4 & 6 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 15-11-2019. No case is made out against him regarding commission of rape etc. Firstly, the FIR has been lodged after delay of one month, secondly, the prosecutrix has not made allegation of rape against this applicant in her statement under Section 164 of the Cr.P.C. given before the JMFC. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix has clearly made allegations against this applicant regarding commission of offences and also that because of the threat

given by the applicant and the extortion that continued for some time, there had been the delay in lodging the FIR. Therefore, the application may be rejected.

4. Heard learned counsel for the parties and perused the documents.

5. According to the prosecution case, it is alleged that the applicant called the minor prosecutrix to a lonely place where he administered her some water containing intoxicating or psychotropic substance because of which she went unconscious. It is alleged that during her unconsciousness this applicant committed offence of rape with her. Later on the applicant put the prosecutrix under threat that he has in his possession some obscene photographs of the prosecutrix and making use of the same he extorted money from the prosecutrix for some time. Thereafter, the FIR has been lodged.

6. The statement of the prosecutrix under Section 164 of the Cr.P.C. which has been narrated by counsel from both the sides in this virtual hearing does not mention commission of offence of rape by the applicant. Secondly, the FIR is also delayed for about one month and also for the reason that the applicant is in jail since 15-11-2019, I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge