

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2883 of 2020

1. Mohammad Halim Ansari S/o Abdul Rahuf, Aged About 65 Years R/o Durganagar, Birgaon, P.S. Urla, District Raipur Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Through Station House Officer, Police Station Urla, District Raipur Chhattisgarh

---- Respondent

For Applicant	Mr. Harsh Wardhan Jaiswal, Advocate
For Respondent /State	Ms Fouzia Mirza, Addl. Adv. General
For Objector	Mr. Vinay Nagdev, Advocate

(Proceedings through Video Conferencing)

Hon'ble Mr. Justice Prashant Kumar Mishra

Order On Board

28/8/2020

1. Heard.
2. The applicant has preferred this first bail application under Section 439 of CrPC, as he is arrested in connection with Crime No.579/2019, registered at Police Station Urla, District Raipur (CG), for the offence punishable under Section 498-A, 376, 323, 506-B/34 of the Indian Penal Code.
3. The prosecutrix/complainant was married with the applicant's son on 31-10-2019. Applicant resides at Birgaon, PS Urla, District Raipur whereas the prosecutrix belongs to Kumhari,

District Raipur, which is a nearby place. After staying for about 19 days in her matrimonial house she was allegedly subjected to cruelty and assault by all the members of her in-laws family whereas the present applicant also ravished her.

4. It is argued that the prosecutrix/victim returned to her parental house on 23-11-2019 and went for obtaining treatment at AIIMS, Raipur where she complained about assault by in-laws without informing that she was ravished by the present applicant. It is also argued that on 1-12-2019 the husband of the victim lodged a complaint before the Family Reconciliation Center, therefore, as a counter blast, the complaint was lodged by the victim on 14-12-2019 and then the FIR was registered on 20-12-2019. It is, thus, argued that the FIR is hopelessly delayed and the applicant being 65 years of age and having not misused the ad-interim bail and now having surrendered he is entitled for bail.
5. On the other hand, learned counsel appearing for the State as well as learned counsel appearing for the objector, would vehemently oppose the bail application. According to them, the applicant has ravished his own daughter-in-law, which is not only a serious offence but is immoral also.
6. Having heard learned counsel for the parties at length and having considered the material, I am of the opinion that present is a fit case to release the applicant on regular bail for the reason that the FIR is delayed by about a month and during this period the victim did not divulge the incident of rape to the hospital authorities of AIIMS, Raipur, where she went to obtain treatment on 28-11-2019 and also for the fact that the applicant is aged about 65 years and was arrested on

20-3-2020. The applicant was released on ad-interim bail on medical ground by order dated 3-6-2020 and had surrendered on expiry of the period of temporary bail, thus, he has not misused the liberty.

7. Accordingly, the bail application M.Cr.C.No.2883 of 2020 is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.
8. Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri