

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3956 of 2020

Shailesh Tirki @ Dutlo S/o Matlu Tirki Aged About 24 Years R/o- Baskepi, Out-Post- Ganesh Mod, P.S.- Balrampur, District- Balrampur-Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through- P.S.- Balrampur, District- Balrampur-Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Pushkar Sinha, Advocate
For State	:	Shri Alok Bakshi, Addl. A.G.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

17/08/2020

Heard.

1. The applicant has been arrested in connection with Crime No. 51/2020 registered in Police Station -Balrampur, District- Balrampur- Ramanujganj (CG) for alleged commission of offence under Sections 376 (2) (n), 450, 506 IPC.
2. Case of the prosecution, in brief, is that the applicant had been subjecting the prosecutrix to rape on many occasions during the period of 5 to 6 months prior to filing of FIR and because of the threat administered by the applicant, the prosecutrix could not report the matter. When her husband was released from jail on 5.3.2020, she informed him on 24th March 2020 and then report was lodged on 25.3.2020.
3. Learned counsel for the applicant would submit that the story divulged in the FIR itself is highly improbable. He would submit that the prosecutrix is a major lady and she has not even given specific date on which she was first ravished. The allegations are vague. He would further submit that the FIR has been lodged against the present applicant after a long time. Even according to the

prosecutrix, the last time when she was subjected to rape was 29th February 2020, but still she did not report the matter to anybody though she states that she had been meeting with her parents during the period her husband was in jail. Therefore, under these circumstances, the applicant may be granted bail.

4. On the other hand, learned counsel for the State opposed the bail application by submitting that the delay in lodging FIR is self explanatory from the FIR itself that due to threat given by the applicant, the prosecutrix could not report the matter immediately and at that time, her husband was in jail and it was only when he was subsequently released that the matter was disclosed by the prosecutrix to her husband and report was lodged.
5. On prima facie consideration, even according to the prosecutrix, the incident had taken place 5 to 6 months before the date of lodging of FIR. The prosecutrix is a major married lady having two children. She has stated regarding meeting with her parents during the period her husband was in the jail. Even according to the prosecutrix, the last time the applicant committed rape was 29.2.2020, but no FIR was lodged until 25.3.2020. According to the prosecutrix, her husband was released on 5.3.2020, but she states that she informed her husband also as late as on 24.3.2020. The date of the first alleged rape has not been stated in the FIR.
6. Taking into consideration the aforesaid circumstances, particularly the delay in lodging FIR and that investigation is complete, charge sheet has been filed, present is a fit case for grant of bail.
7. The application is accordingly 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/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:-
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Manindra Mohan Shrivastava)
Judge