

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 3958 of 2020**

Deepak Yadav S/o Ghashiram Yadav Aged About 24 Years R/o Village Soram,  
Thana Patan District Durg Chhattisgarh., District : Durg, Chhattisgarh

**---- Applicant**

**Versus**

State Of Chhattisgarh Through District Magistrate, District Durg  
Chhattisgarh., District : Durg, Chhattisgarh

**---- Respondent**

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|---------------|---|-----------------------------------|
| For Applicant | : | Shri Avinash Chand Sahu, Advocate |
| For State     | : | Shri Alok Bakshi, Addl. A.G.      |

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**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. 74/2020 registered in Police Station -Patan, District- Durg (CG) for alleged commission of offence under Sections 376, 506 IPC.
2. Case of the prosecution, in brief, is that the applicant had been subjecting the prosecutrix to rape time and again since two months prior to lodging of FIR on 31.5.2020.
3. Learned counsel for the applicant would submit that the allegation of the prosecutrix that she was being subjected to rape by the applicant is wholly improbable. The prosecutrix is a major lady aged 24 years and married one. She never lodged any report anywhere in respect of the incident though she states that she was being subjected to rape for last two months. Learned counsel for the applicant submits that the diary statement of the uncle of the prosecutrix's husband, Kamdev Sahu clearly show that on 29<sup>th</sup> March 2020, the prosecutrix had come to the house of this witness and

stayed there for two days and during this period, this witness was informed by the husband of the prosecutrix that prosecutrix is receiving call from the applicant and therefore, the prosecutrix's parents have been asked to come and then only the matter was disclosed, which clearly shows that it is not a case of rape. Therefore, the applicant may be granted bail.

4. On the other hand, learned counsel for the State opposed the bail application by submitting that according to FIR and the diary statement, the prosecutrix was being subjected to rape by the applicant who was the friend of the husband of the prosecutrix and she could not report the matter because the applicant had administered threat that if she discloses the incident, she and her husband both would be killed.
5. I have considered the submissions made by learned counsel for the respective parties. On prima facie consideration, the report has been lodged after delay of about two months. The prosecutrix is a major lady aged 24 years and married. Even according to her, the applicant used to come to her house time and again when she was all alone. No report was immediately lodged. According to diary statement of Kamdev, uncle of the husband of the prosecutrix, the prosecutrix had stayed with him for two days from 29.5.2020 and at that time, her husband disclosed the fact that as the prosecutrix was receiving call from the present applicant, her parents have been called and then the prosecutrix disclosed the incident. Therefore, present appears to be a fit case for grant of bail as investigation is complete and charge sheet has also been filed.
6. 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