

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4176 of 2020**

- Ratan Kaushik S/o Rariram Kaushik Aged About 55 Years R/o Village Bhathkudera, Police Station S.Lohara, District Kabirdham Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through District Magistrate, Kawardha, District Kabirdham Chhattisgarh

---- Respondent

For Applicant/s	:	Mr. Dharmesh Shrivastava, Advocate.
For State	:	Mr. Ravish Verma, G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****31/08/2020**

Heard.

1. The applicant has moved this application for grant of bail as he is arrested in connection with Crime No.58/2020 registered at Police Station-S./Lohara, District Kabirdham, C.G. for the alleged commission of offence under Sections 376 & 506 of IPC.
2. Prosecution case is that the applicant committed rape on the prosecutrix finding her along in the agriculture field, on and around 07.04.2020.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the case. Prosecutrix is major and married lady, aged 30 years and there is no reason why she would not disclose offence of rape to anybody for many days. He would next submit that her statement and that of her husband-Bharat Kaushik that because of threat, she had not disclosed the incident to anyone is improbable. It is also argued that according to the prosecutrix and her husband, prosecutrix disclosed the incident to the husband and other relatives after 4-5 days of the incident. It is next argued that even if it is assumed that prosecutrix had disclosed the incident to her husband and other relatives after 4-5 days, there is no reason for delay of another 25 days in lodging FIR because written report has been lodged as late

as on 11.05.2020. No marks of injury on any part of her body fresh or old, found under MLC of the prosecutrix.

4. On the other hand, learned State Counsel opposes and submits that the prosecutrix has clearly stated that after committing rape on her, applicant had threatened her, therefore, because of threat, she had not disclosed the incident for 4-5 days to any of her relatives. He would also submit that after her husband was discussed regarding the incident, he was engaged in discussing the matter with family members and other villagers and finally, it was decided to lodge report.
5. On *prima facie* consideration, it is found that the incident is said to have happened on and around 07.04.2020. The prosecutrix is a major lady aged about 30 years. Even according to the prosecutrix, she did not disclose the incident for about 4-5 days to anybody. Her husband, though stated that wife has disclosed the incident after 4-5 days of the incident, the report has been lodged as late as on 11.05.2020. From the statement of prosecutrix and other witnesses, no reason has been stated regarding delay in lodging FIR. Therefore, taking into consideration the aforesaid circumstances, possibility of false implication or it being a case of consent cannot be ruled out. Therefore, present is a fit case for grant of bail to the applicant.
6. Accordingly, the bail application is 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 of the like amount to the satisfaction of the Trial Court on the condition that-
 - a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) He shall not in any manner, tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge