

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4903 of 2020**

- Tikeshwar Prasad, aged about 35 years, S/o Ramadhar Sahu, resident of Village- Kanji, P.S. Baloda Bazar District- Baloda Bazar- Bhatapara (C.G.)

---- Applicant

Versus

- State of Chhattisgarh Through- Police Station- City Kotwali, District Balodabazar- Bhatapara (C.G.)

---- Respondent

For Applicant.	:	Mr. Prakash Tiwari, Advocate.
For Respondent/State	:	Ms. Sunita Jain, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****03.09.2020**

1. The applicant has filed this **first bail application** filed under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 386/2020 registered at Police Station City Kotwali, District Baloda Bazar- Bhatapara (C.G.) for the offence punishable under Sections 376 & 506(B) of the IPC.
2. As per the prosecution case, the allegation against the present applicant is that he came to the house of the prosecutrix to meet her ill husband and taking the advantage of her loneliness he committed sexual intercourse with the prosecutrix and threatened her not to disclose about the

incident to anyone. Based on that, after investigation, offence has been registered against the applicant and he has been arrested.

3. Submission made by learned counsel for the applicant is that the applicant has been falsely implicated in the crime in question. He further submits that the prosecutrix is a major lady aged about 36 years and there is delay of about six months in lodging the FIR which shows that a concocted story has been cooked against him and if the said incident was occurred, she should have raised objection at no time. He next submitted that there was a previous dispute between the parties relating to the last panchayat elections. Referring to Annexure A/2 counsel for the applicant further submits that he has already written an application to the S.H.O., City Kotwali, Balodabazar as well as superintendent of Police, District Balodabazar regarding the repeated & continuous threatening made by the complainant's husband including members of panchyat. He further contended that as the applicant is in jail since 25.06.2020 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this Hon'ble Court, therefore, he may be released on bail.

4. Per contra, State counsel strongly opposes the bail application and submits that on the pretext of

treatment of the prosecutrix' husband, the present applicant, after alluring her, made physical relationship with her against her will and threatened her for dire consequences and the said fact has been confessed by the applicant before the panchayt meeting held after narration of the said incident by the prosecutrix to all the villagers, therefore, looking to the nature of the offence, the applicant may not be granted bail.

5. I have heard learned counsel for the parties and perused the record.
6. Taking into consideration the submission of both the counsel, nature and gravity of the offence, facts and circumstances of the case, as applicant is in jail since 25.06.2020 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**