

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6141 of 2020

Subrato Vishwas S/o Gokul Vishwas Aged About 30 Years R/o Gatapar Jangle,
Police Station Gatapar, District Rajnandgaon, Chhattisgarh., District :
Rajnandgaon, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Gatapar
(Wrongly Written As Khairagarh), District Rajnandgaon, Chhattisgarh.,
District : Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant	:	Shri Shikhar Sharma, Advocate
For State	:	Shri Dinesh Tiwari, Dy. Govt. Advocate

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

Order On Board

14/10/2020

Heard.

1. The applicant is arrested in connection with Crime No.30/2020 registered in Police Station -Gatapar, District -Rajnandgaon (CG) for alleged commission of offence under Sections 376, 506 IPC.
2. Case of the prosecution, in brief, is that the applicant continuously raped the prosecutrix since March 2020 and when he started administering threat to the prosecutrix and her children, report was lodged on 25.7.2020.
3. Learned counsel for the applicant would submit that the prosecutrix is now trying to falsely implicate the applicant after a long physical relationship which she was having with the applicant since March 2020 and she being a major lady of 33 years, the allegation is highly improbable. Learned counsel submits that investigation is complete and charge sheet has been filed, therefore, at this stage, the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposed the bail application by submitting that the prosecutrix's husband died in an accident one and half year before the date of lodging FIR. The prosecutrix and her son were also injured in that accident. The present applicant used to visit the house of the prosecutrix for treatment and during this period, taking undue advantage of prosecutrix's situation, the applicant started sexually exploiting her, therefore, it cannot be said to be a case of free consent for sexual intercourse. The FIR was lodged when the applicant started threatening the prosecutrix and her children.
5. On prima facie considerations, as the FIR records, after death of prosecutrix's husband, the applicant had been treating the prosecutrix and in that connection, he started frequently visiting her house and even according to the prosecutrix, the applicant and the prosecutrix had developed relation and they were also having sexual relation since March 2020 but the report has been lodged as late as on 25.7.2020 stating that the report had to be lodged because the applicant started threatening the prosecutrix. Therefore, considering the aforesaid material, particularly that the prosecutrix is aged 33 years and report has been lodged after almost four months of the first incident of sexual relation and further considering that the investigation is complete and charge sheet has been filed, I am inclined to allow the application.
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