

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 764 of 2021**

- Sandeep S/o Nanhakram, aged about 27 years, R/o Sanawal, P.S.- Sanawal, District Balrampur- Ramanujanj (C.G.) ---- **Applicant**

Versus

- State of Chhattisgarh Through Police Station- Basantpur, Dist. Balrampur- Ramanujanj (C.G.). ---- **Non applicant**

For Applicant	:	Mr. Arun Kumar Shukla, Advocate
For State	:	Mr. Gurudev I. Sharan, G.A.

Hon'ble Shri Justice Narendra Kumar Vyas**Order on Board****29.06.2021**

1. Heard
2. The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 for grant of regular bail as he is in jail since 16.11.2020 in connection with Crime No. 165/2020 registered at Police Station Basantpur, District- Balrampur Ramanujanj (C.G.) for the offence punishable under Section 376 of Indian Penal Code.
3. The prosecution story, in brief, is that on 28.10.2020 at about 11.00 pm prosecutrix went to answer the nature's call in front of her house, at the same time, the applicant came from behind and closed her mouth and dragged her to *Rahar Badi* and there he committed rape on her. The matter was reported to the police and the offence under Section 376 of IPC has been registered by the Police Station Basantpur, District- Balrampur Ramanujanj (C.G.). The applicant has been arrested on 16.11.2020.

4. Learned counsel for the applicant would submit that the prosecutrix is a married & major lady and she is a consenting party to the act of the applicant. Earlier, there was a dispute occurred between the applicant and the husband of the prosecutrix regarding money and due to the said dispute, he was seriously injured by the husband of the prosecutrix, as such he was treated at Dr. Bheem Rao Ambdekar Medical Hospital, Raipur. The applicant has also filed the documents relating to his treatment in the said hospital. He would further submit that to avoid the prosecution of the above said incident, the prosecutrix filed a false complaint of rape against the applicant. He lastly submits that there is an inordinate delay in lodging the FIR for which no explanation has been given by the prosecutrix regarding the said delay. The applicant is in jail since 16.11.2020, therefore, he may be released on bail.
5. On the other hand, learned counsel for the respondent/State opposes the bail application. However, he submits that except present one the applicant has no other criminal antecedent.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, the statement of the prosecutrix recorded under Section 164 of Cr.P.C, as per medical report no injury was found on the body of the prosecutrix, looking to the age of the prosecutrix who is aged about 32 years at the time of incident, charge-sheet has already been filed, considering the detention period of the applicant i.e. since 16.11.2020, trial is likely to take some time for its final disposal and the fact that the applicant has no criminal antecedent as admitted by both the counsel without commenting upon merits of the case the application is allowed. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs. 25,000/- to the satisfaction of the concerned Trial Court, he shall be released on bail

on the following conditions :-

- (i) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- (iv) He shall not involve himself in any offence of similar nature in future.

Certified copy as per rules

Sd/-

(Narendra Kumar Vyas)
Judge