

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1577 of 2021

- Shailendra Kumar Dewangan @ Golu, S/o Beduram Dewangan, aged about 28 years, R/o Camp No.2, Sharda Para ward No.22, PS Chhavni, Tahsil and District Durg (CG)

---- Applicant (In jail)

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Jamul, District Durg Chhattisgarh

---- Respondent

For Applicant	: Shri Shashank Thakur, Advocate
For Respondent/State	: Shri Vaibhav Singh, Panel Lawyer

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board
(Proceeding through Video Conferencing)

09.07.2021

1. Applicant has preferred this application under Section 439 of CrPC for grant of regular bail as he was arrested in connection with Crime No.32 of 2021 registered at Police Station- Jamul, District Durg, Chhattisgarh for the offences punishable under Sections 366, 376, 506 and 323 of IPC.
2. Case of the prosecution, in brief, is that on 15.01.2021 evening, applicant came to the house of prosecutrix, who took her to Baikunth Dham and there he committed forceful intercourse with her and ran away from the spot, leaving the prosecutrix at the place of incident. Thereafter, prosecutrix purchased dettol from nearby medical shop and consumed it. One Naveen Kumar Chandrakar, owner of medical shop found her lying under a tree in unconscious condition, he informed Police about her, thereafter, she was taken to hospital. On the basis of statement given by prosecutrix, one suicide note was recovered, and

crime was registered against the present applicant. He was arrested on 17.01.2021.

3. Shri Shashank Thakur, learned counsel for the applicant would submit that allegation levelled against present applicant is absolutely false and baseless. He submits that allegation of rape has been levelled against the applicant due to some personal rivalry and enmity between the parties. He further submits that as per allegation, it is the complainant, who herself accompanied with applicant, she is major girl, aged about 22 years. He further submits that there is contradiction in contents of FIR and statement of prosecutrix recorded under Section 164 of CrPC. He further pointed out that MLC report of prosecutrix does not support the allegation levelled against applicant, as the Doctor who examined prosecutrix opined that no opinion can be given with regard to forceful intercourse with prosecutrix. Applicant is in jail since 17.01.2021 and charge-sheet has already been filed, hence, he may be enlarged on bail.

4. Shri Vaibhav Singh, learned State counsel opposing the submissions of learned counsel for the applicant, submits that prosecutrix has made specific allegation against the applicant that he took prosecutrix on his bike on the pretext of roaming to some distance, but he took her to a lonely place and committed forceful intercourse with her. After commission of offence, applicant ran away from the spot, leaving prosecutrix alone on the spot. Thereafter, prosecutrix purchased dettol from medical shop, wrote a suicidal note and consumed liquid dettol. Suicide note was recovered on the next day from the place, where

she recovered by the Police. Learned State counsel read over contents of FIR and statement recorded under Section 164 of CrPC. He further submits that learned counsel for the applicant has taken plea with regard to some previous enmity, but he has not placed any specific averment or instance in support of his argument.

5. I have heard learned counsel for the parties.

6. Taking into consideration nature of allegations against present applicant and further contents of FIR and statement of prosecutrix recorded under Sections 161 & 164 of CrPC, suicide note of prosecutrix seized by Police making allegations against applicant and further that MLC report of doctor, I do not find it a fit case to enlarge the applicant on bail. Accordingly, bail application is dismissed.

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)
JUDGE