

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2115 of 2021

- Rajendra Singh Khairwar S/o Bhulan Singh Aged About 38 Years R/o Revtipur, Police Station Ramanujganj, District Balrampur - Ramanujganj, Chhattisgarh. (Wrongly Mentioned As Rajendra Singh In The Impugned Order),

---- Applicant

Versus

- State Of Chhattisgarh Through Arakshi Kendra - Ramchandrapur, District Balrampur - Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant	–	Mr. Dev Ashish Biswas, Advocate
For State	-	Mrs. Astha Shukla, P.L.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26.07.2021

1. This is the first bail application filed under Section 439 of CrPC for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 03/2021 registered in Police Station Ramchandrapur Distt. Balrampur Ramanujganj (C.G.) for offence punishable under Sections 450, 376, 506 of Indian Penal Code.
2. As per prosecution case, on 18.12.2020 the applicant forcefully entered into the house of the prosecutrix and committed sexual intercourse with her.
3. Learned counsel for the applicant submits that after the date of incident, the prosecutrix was missing, as such the missing report when was lodged and after recovery of the prosecutrix on 30.12.2020, a statement was made which has been placed on record wherein she has stated that no rape was committed with her and because of the fact that she was beaten by her husband, she had gone to her maternal home. It is submitted that thereafter on the pressure of her husband on

05.01.2021, the false report had been made. It is stated that the chargesheet has already been filed, the applicant is in jail since 05.01.2021, therefore he may be enlarged on bail.

4. Learned State counsel opposes the bail and submits that after the report was made on 05.01.2021, wherein it was alleged that the prosecutrix was subjected to forceful rape.

5. The statement of the prosecutrix recorded before the SDM dated 30.12.2020 is filed before this Court is perused after she was recovered pursuant to the missing report. Considering the statement of the prosecutrix wherein she has not stated anything about the rape, instead it is stated that she left to her maternal home it appears that no allegation of rape was stated with her, considering the contradiction of the statements and the fact that the chargesheet has already been filed and the applicant is in jail since 05.01.2021, I am inclined to release the applicant on bail. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

Judge