

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2400 of 2021

- Narendra Mahaut @ Nagesh Chandra S/o Chandu Lal, Aged About 44 Years R/o. Chief House, Godaripara, Chirmiri, District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

----applicant

Versus

- State Of Chhattisgarh, Through - The Station House Officer, Police Station Sirgitti, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant	–	Mr. Punit Ruparel, Advocate
For State	-	Mr. Siddharth Dubey, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

21/05/2021

1. The applicant has preferred this application for grant of bail as he was arrested in connection with Crime No. 110/2021 registered in Police Station Sirgitti Distt. Bilaspur (C.G.) for offence punishable under Section 376 & 506 of IPC.
2. As per the prosecution case, the prosecutrix is the elder sister of the applicant's wife. She has alleged that the applicant committed forceful sexual intercourse with her on 21.04.2019 for which a report was lodged on 09.03.2021 and thereafter the applicant was arrested.
3. Learned counsel for the applicant submits that between the applicant and his wife, after the initial peaceful married life, there had been certain differences because of the caste of the applicant's wife 'Muslim'. Subsequently, it was objected by the other persons including the family members of the applicant's wife which led to different report and counter report. He refers to different statements which are annexed herein at different point of time between the parties. Subsequently, on a report which is made more than 1 year 10-11 months ago is a

false report that has been lodged. He submits that it is completely fabricated and the false allegations have been made against the applicant, therefore he may be released on bail.

4. Per contra, learned State counsel opposes the argument and submits that the reason for delay has been attributed that since it was in between the family as such it may tarnish the image of the family and therefore delay has occurred. He further submits that the applicant has also one criminal antecedent reported under Section 507 of IPC.

5. Perused the different copy of the statements. It is recorded at the different point of time. Earlier the statement which were made at different place it appears that no such allegations were attributed. Subsequently the report of the rape has been made. There is a huge gap between the date of incident and the date of lodging the report.

6. Taking into consideration the bulk of documents which are filed which record the different statements it appears that the wife of the applicant along with the family members and the applicant are in loggerheads. Considering the facts and circumstances since there is a huge delay in filing the FIR, this Court is inclined to release the applicant on bail. Accordingly, this bail application is allowed.

7. It is directed that the applicants 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)
Vacation Judge