

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2830 of 2021**

- Ashish Tiwari S/o Anil Tiwari Aged About 24 Years
Occupation-Contractor R/o Kenabandh Bouripara
Ambikapur, P.S. And Tahsil- Ambikapur, District- Surguja,
Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through-The Mahila Police Station-
Ambikapur, District- Surguja, Chhattisgarh

---- Respondent

For Applicant	:-	Mr. A.N. Pandey, Advocate
For Respondent-State	:-	Mr. Vikram Sharma, Dy.G.A.

Proceedings through Video Conferencing**Hon'ble Shri Prashant Kumar Mishra, Ag. CJ**
Order On Board**08/07/2021**

1. At the very outset, learned counsel for the applicant submits that while filing the charge-sheet the concerned Police has also added offence under Sections 420 and 120B of the I.P.C. against the applicant.
2. In view of the above, learned counsel is permitted to mention these two offences in the cause title of the bail application during the course of the day.
3. The applicant has preferred this application under Section

439 of the Cr.P.C. for grant of regular bail as he is arrested in connection with crime No.20/2021 registered in Police Station Mahila Thana – Ambikapur Distt. Surguja C.G. for the offence punishable under Sections 376(2)(n), 506, 420 & 120B of the I.P.C.

4. Case of the prosecution in brief, is that, prosecutrix is a widow lady aged about 35 years having two children and serving as a peon in the office of PWD. In 2016, she came in contact with the present applicant through facebook thereafter they developed intimacy and the applicant started sexually exploiting her on promise to marry. Applicant and his elder brother Adarsh Tiwari induced her to seek loan in her name for purchase of Scorpio vehicle. Applicant has also retained her ATM card and obtained different amount from prosecutrix at different point of time.
5. Applicant is aged about 24 years whereas prosecutrix is aged about 35 years. The offence of rape or sexual exploitation happened between 2016-18 whereas present written complaint has been lodged on 10.3.2021. On the basis of which the FIR has been registered on 18.3.2021. Thus, there is delay of about 3 years in lodging the FIR.
6. Learned State counsel would oppose the prayer for grant of bail.
7. Considering the enormous delay in lodging the FIR and for the fact that applicant is in jail since 19.3.2021, I am inclined

to release the applicant on bail.

8. Accordingly, the application is allowed and the applicant is directed to be released on bail on executing a personal bond for a sum of Rs.50,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

9. Certified copy be issued to the parties only after incorporation of the newly added offences in the bail application is made.

SD/-
(**Prashant Kumar Mishra**)
Acting Chief Justice

Ayushi