

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4642 of 2021**

- Anant Sardar S/o Late Vistupad Sardar Aged About 35 Years
R/o Santoshi Nagar, Police Station Balrampur, District
Balrampur Ramanujganj Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police
Station Balrampur, District Balrampur Ramanujganj
Chhattisgarh

---- Respondent

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For Applicant	: Shri Shakti Raj Sinha, Advocate
For respondent/State	: Shri Amit Kumar Verma, Panel Lawyer

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Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****16.11.2021.**

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 20.4.2021 in connection with Crime No.77/2021 registered at Police Station Balrampur, Distt. Balrampur Ramanujganj (C.G.), for the offence punishable under Section 376(2)(घ), 366, 506, 354 of the Indian Penal Code, 1860 (for short 'IPC').

2. Brief facts of the case are that the victim/prosecutrix and main accused Pradeep Talukdar were known to each other 2-4 months prior to 12.4.2021, i.e. date of incident. Main accused Pradeep Talukdar called the victim/prosecutrix, forcibly took her to Pavail Fall, where in a lonely place he hugged her and also

made obscene video of her. Thereafter the main accused Pradeep Talukdar pressurized the victim/prosecutrix to perform marriage with him otherwise he would make her video viral in the social media. In the meantime, marriage of the victim/prosecutrix was fixed for 26.4.2021. On 12.4.2021 with the help of present applicant, main accused Pradeep Talukdar called the victim/prosecutrix from Balrampur to Ambikapur where the applicant kept her in Chris Daksh hotel, committed rape with her and thereafter on 13.4.2021, main accused Pradeep Talukdar came there and he also committed rape with her. On report, being lodged by the victim/ prosecutrix on 19.4.2021 at Police Station Balrampur against present applicant and main accused Pradeep Talukdar, offence under Sections 363, 376(2)(ब) and 506 IPC was registered. During the course of arguments both the counsel submit that charge sheet has been filed under Sections 366, 376(2)(ब), 354 & 506 IPC against present applicant and in the charge sheet name of co-accused Pradeep Talukdar is shown as absconding.

3. Learned counsel for the applicant submits that it is totally false and concocted case against the applicant. He is innocent, he has been falsely implicated in this case. He further submits that the victim/prosecutrix and main accused Pradeep Talukdar were friends and on being called by Pradeep Talukdar, on 12.4.2021 the victim/prosecutrix without informing her parents, had gone to Ambikapur from Balrampur, where she stayed in a

hotel. On the basis of the report of her father, missing report No.12/2021 was lodged at Police Station Balrampur and thereafter on 15.4.2021 the victim/prosecutrix was recovered by the police from the house of her aunt (mousi). He would next submit that in the deposition of the victim/prosecutrix recorded by the police on 15.4.2021, nothing has been stated by her regarding any wrongful act committed by the applicant, but since the victim/prosecutrix was missing for two days, family members of the victim/prosecutrix committed marpeet with present applicant, therefore, he lodged FIR No.73/2021 against the relatives of the victim/prosecutrix under Sections 294, 506, 323, 147, 148 & 149 of the IPC at Police Station Balrampur on 17.4.2021 and thereafter, the victim/prosecutrix has lodged present FIR to protect her relatives. Learned counsel for the applicant also submits that the applicant is in jail since 20.4.2021, charge sheet has already been filed, hence, there is no chance of influencing the witnesses or absconding of the applicant. Hence, he may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application stating that it is a case of kidnapping and gang rape, hence the applicant is not entitled for grant of bail.

5. I have heard learned counsel for both parties, perused the case diary and the material available on record.

6. Considering the facts and circumstances of the case, nature and gravity of offence, specially taking into consideration

the missing report lodged by the father of the victim/prosecutrix on 12.4.2021 and recovery of the victim/prosecutrix from the house of her aunt (mousi), her statement recorded by the Police on 15.4.2021 and also taking into consideration that charge sheet has already been filed, the applicant is in jail since 20.4.2021, I feel inclined to allow the bail application. Therefore, the application under Section 439 of the CrPC is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned for his appearance before the concerned Court as and when directed by the said Court, he be released on bail.

Certified copy as per rules.

Sd/-

(N.K. Chandravanshi)
JUDGE