

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 6262 of 2021

Dileshwar @ Dilesh Bhandari, S/o Dharam Singh Bhandari, Aged About 29 Years By Caste Halba, R/o Goushala Para, Bharri Tola, Tahsil Chamara, District Uttar Baster Kanker Chhattisgarh., District : Kanker, Chhattisgarh

---- Applicant

Versus

The State Of Chhattisgarh, Through Police Station Charama District U.B. Kanker Chhattisgarh., District : Kanker, Chhattisgarh

---- Respondent

For Applicant : Shri Parag Kotecha, Advocate

For Non-applicant : Shri Anil Tripathi, Panel Lawyer

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

06/12/2021

1. Applicant has filed this application under Section 439 of Cr.P.C. for grant of regular bail as he has been arrested in connection with Crime No.92/2021 registered at Police Station- Charama, District- Uttar Bastar, Kanker (C.G.) for the offence punishable under Sections 376, 450 of IPC.
2. Case of prosecution is that a written report was lodged on 10.7.2021 to the concerned police station stating therein that on 9.7.2021 at about 2:00 p.m., when prosecutrix was alone at

home, her parents went out of the house for earning their livelihood, applicant entered into the house of prosecutrix, took her forcefully inside the room and committed sexual intercourse with her. When parents of the prosecutrix returned back to home, incident was reported to them. Father of prosecutrix collected villagers for meeting where applicant denied commission of any offence and thereafter report was lodged. Based on the report, aforementioned crime was registered against the applicant and he was arrested on 10.7.2021.

3. Shri Parag Kotecha, learned counsel for the applicant would submit that the applicant has been falsely implicated in the case. There is delay in lodging FIR. He also submits that the medical report available in the charge sheet does not support the allegation levelled by the prosecutrix. No injury of any nature found by the doctor who examined the prosecutrix. Hence, the applicant may be released on bail.
4. Shri Anil Tripathi learned counsel for the State opposes the submissions of learned counsel for the applicant and would submit that there are specific allegations of commission of forceful sexual intercourse by the applicant with the prosecutrix when she was alone in her house. He further submits that prosecutrix is suffering with speech and mental ailment. When the incident was reported by the prosecutrix to her parents, they immediately convened a meeting of the villagers, which also shows that incident was reported diligently to villagers and applicant is

involved in commission of alleged offence against him. Hence, the applicant is not entitled to grant of bail. He read over the statement of prosecutrix recorded under Sections 161 and 164 of Cr.P.C. and statement of parents recorded under Section 161 Cr.P.C. in support of his contention.

5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegations, the further fact that as per the allegation, prosecutrix immediately after return of her parents, intimated the incident to them on same day, in the same evening meeting of villagers was convened, I do not find present to be a fit case for grant of bail to applicant at this stage.
7. The application is accordingly rejected.

Sd/-
(Parth Prateem Sahu)
Judge