

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6566 of 2021**

Mudrika Ravi @ Murari Ravi S/o Vanshadhari Ravi, Aged About 35 Years, R/o Village Indrawatipur, P.S. Sanawal, District- Balrampur- Ramanujganj (C.G.).

---- Applicant**Versus**

State of Chhattisgarh Through P.S. Sanawal, District- Balrampur- Ramanujganj, (C.G.).

---- Non-applicant

For Applicant : Shri Akath Kumar Yadav, Advocate

For Non-applicant/State : Shri Amit Kumar Verma, Panel Lawyer

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****13.12.2021**

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 08.07.2021 in connection with Crime No.39 of 2021 registered at Police Station Sanawal, District- Balrampur- Ramanujganj, (C.G.) for commission of offence punishable under Sections 323, 376, 506 of Indian Penal Code.
2. Case of prosecution, in brief, is that on 07.07.2021, at about 6.00 A.M. when prosecutrix was giving fodder to domestic animal outside the house, applicant came there, caught hold of her, dragged her to nearby place and committed sexual intercourse with her. At the time of incident, husband of prosecutrix came on spot, upon which, applicant ran away and thereafter, report was lodged on same day at about 2.00 P.M. Based on report, aforementioned crime was registered against applicant and he was arrested on 08.07.2021.

3. Shri Akath Kumar Yadav, learned counsel for the applicant would submit that applicant has been falsely implicated in the crime. There was land dispute between complainant party and applicant's family. In the year 2019, there was quarrel between complaint party and applicant's family on account of boundary of agricultural field. Incident was reported to concerned police station by the applicant, based upon which, FIR was registered bearing No.23/2019 on 05.07.2019 against both prosecutrix and her husband. He further argued that as per allegation levelled against applicant, at the time of commission of alleged crime, prosecutrix tried to resist. She was sent for medical examination on same day, but doctor examined, did not found any corresponding injury over the person of prosecutrix. FSL report is also negative, hence, applicant may be enlarged on regular bail.
4. Shri Amit Kumar Verma, learned State Counsel opposing the submissions made by learned counsel for the applicant, would submit that serious allegations have been levelled against applicant by prosecutrix in FIR as well as in her statement recorded under Sections 161 and 164 of Cr.P.C.
5. However, upon putting specific query with regard to any injury over the body of prosecutrix, learned State counsel submitted that in MLC, there is no mention of any injury on the body of prosecutrix. He also submits that FSL report has been received, which is negative.
6. I have heard learned counsel for the parties.
7. Taking into consideration the facts and circumstances of the case, nature of allegations, contents of complaint and MLC report of

doctor, without commenting on the merits of the case, I am inclined to release the applicant on regular bail.

8. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one local surety in the like sum to the satisfaction of the trial Court concerned on the conditions that;

a) He shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.

b) He shall not, in any manner, tamper with the prosecution witnesses.

c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)
Judge