

1
MCRC No. 7805 of 2020 and another

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7805 of 2020

- Amil Kumar Bhagat S/o Late Sukhdev Ram, Aged About 26 Years
Caste Uraon, R/o Village Bimda , Police Station Baagicha, District
Jashpur Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through The Station House Officer,
Baagicha, District Jashpur Chhattisgarh

---- Respondent

MCRC No. 7961 of 2020

- Shivnarayan Baiga S/o Late Bhau Ram Aged 58 Years R/o Village-
Birkona, Police Station- Koni, District- Bilaspur (Chhattisgarh)

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police
Station - Bagicha, Jashpur, District- Jashpur (Chhattisgarh)

---- Respondent

For Respective Applicants	Mr. Shashank Thakur and Mr. Abhishek Pandey, Advocates
For Respondent /State	Mr. Ashutosh Mishra, Panel Lawyer

SB.: Hon'ble Mr. Justice Prashant Kumar Mishra

Order On Board

3/2/2021

1. Heard.

2. These are the two applications filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants, who have been arrested in connection with Crime No.132/2020 registered at Police Station Baagicha, District Jashpur (CG) for the offence punishable under Section 376(D) of the IPC.
3. Applicant Amil Kumar Bhagat was engaged with the prosecutrix in the year 2018. However, after 3 months of the engagement, they fell apart and were not in talking terms. The prosecutrix, aged about 28 years, is working as Security Guard deputed by a Private Placement Agency at ITI, Baagicha. Applicant Amil Kumar Bhagat is working as Postman, whereas, applicant Shivnarayan Baiga is the Principal of ITI. Further case of the prosecution is that after a day's work was over in the ITI, Shivnarayan Baiga called applicant Amil Kumar Bhagat to the ITI and both of them, consumed liquor in the chamber of the Principal and later on, Amil Kumar Bhagat committed forcible sexual intercourse with the prosecutrix. For this incident, which happened on 9.7.2020, a written complaint was lodged on 17.9.2020, based on which, an FIR was registered on 18.9.2020 and the applicants have been arrested on 19.9.2020. Although there is explanation in the statement under Section 164 of Cr.P.C. that the delay in lodging FIR occurred on account of threat extended by applicant Amil Kumar Bhagat, but no such explanation is there in the written complaint. Moreover, the prosecutrix alleges commission of forcible sexual intercourse by

the applicant on a previous occasion also, however, at that time, no report was lodged by her.

4. Considering the entire facts situation of the case, particularly the delay in lodging the FIR and the age of the prosecutrix, I am inclined to release the applicant on regular bail.
5. Accordingly, the bail applications are allowed and the applicants are directed to be released on bail on each of them furnishing a personal bond for a sum of Rs.50,000/- with one surety each in the like amount to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given by the said Court.
6. Certified copy as per rules. Sd/-

(Prashant Kumar Mishra)

Judge