

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7429 of 2021

- Narayan Jagat S/o Late Kantaram Jagat Aged About 43 Years R/o BSPU Colony, Behind Balcourt City, Block No. 01, House No. 17, P.S. Purani Basti, District Raipur, Chhattisgarh.

---- Applicant (In jail)

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Purani Basti, Raipur, District Raipur, Chhattisgarh

---- Respondent

For Applicant	: Shri SP Sahu, Advocate
For Respondent/State	: Shri Roshan Dubey, PL

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

15.12.2021

1. Applicant has preferred this application under Section 439 of CrPC for grant of regular bail as he was arrested in connection with Crime No.145 of 2020 registered at Police Station Purani Basti, Raipur, Chhattisgarh for the offence punishable under Section 376 of the IPC.

2. Case of the prosecution, in brief, is that, on 12.05.2020 at about 1 pm, applicant called prosecutrix for house keeping in his house. When she came to his house and doing work of dusting and sweeping, at that relevant time, applicant closed the door and committed forceful sexual intercourse with her. Incident was reported to concerned Police Station on 17.05.2020, based upon which aforementioned crime was registered against applicant and he was arrested on 19.05.2020.

3. Shri SP Sahu, learned counsel for the applicant would submit that false and fabricated allegations have been levelled against applicant. He has not committed any offence as alleged. There is delay in lodging FIR, which itself is

sufficient to show that false allegations have been levelled against applicant. Prosecutrix is aged about 21 years and looking to her statement recorded under Section 164 of CrPC, it appears that she is a consenting party. Hence, applicant may be enlarged on regular bail.

4. Shri Roshan Dubey, learned State counsel opposing the submissions of learned counsel for the applicant, submits that specific allegation of commission of forceful sexual intercourse with prosecutrix has been levelled against applicant. Prosecutrix was examined before the trial Court on 22.03.2021 and she stood along with allegations levelled against applicant in FIR and also in her statement recorded under Section 161 and 164 of CrPC.

5. At this stage, learned counsel for the applicant submits that there are contradictions and omissions in statement of prosecutrix.

6. I have heard learned counsel for the parties.

7. Taking into consideration facts and circumstances of the case, nature of allegations, and court statement of prosecutrix, I do not find it to be a fit case to enlarge applicant on bail. Accordingly, bail application is dismissed.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE