

HIGH COURT OF CHHATTISGARH, BILASPUR

• **MCRC No. 8130 of 2020**

- Anil Kumar Dhruv S/o Sukhram Dhruv, Aged About 19 Years R/o Village Devrikhurd, Tahsil - Takhatpur, Police Station - Takhatpur, District - Bilaspur Chhattisgarh ----- **Applicant**

Versus

- State Of Chhattisgarh, Through - Station House Officer, Police Station - Takhatpur, District – Bilaspur, Chhattisgarh ----- **Respondent**

For Applicant : Ms. Shital Soni along with Ms. Vijyita Sahu, Advocates.
For State : Mr. Mateen Siddiqui, Dy. A.G.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

26/02/2021

Heard.

1. The applicant has been arrested in connection with Crime No.314/2020 registered at Police Station- Takhatpur, District : Bilaspur, (C.G.) for the alleged commission of offence under Sections 354 & 376 of IPC.
2. Prosecution case is that two months prior to the lodging of report applicant had committed rape on the prosecutrix and thereafter kept on harassing her, due to which, the prosecutrix had to ultimately lodge the report against the applicant.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated. Even according to the prosecutrix, the incident is said to have happened on 17.08.2020 but the report has been lodged after two months without any proper explanation. She would further submit that the alleged incident is highly improbable because it is stated that the applicant committed rape on the main road. It is next submitted that there is variance with regard to date on which the prosecutrix disclosed the incident to her husband. It is lastly submitted that investigation is complete and charge sheet has been filed, therefore, at this stage, the applicant may be granted bail.
4. On the other hand, learned State counsel opposes and submits that though

there is some delay in lodging the report, prosecutrix has clearly stated regarding alleged commission of rape on her by the applicant and has stated that the prosecutrix being afraid could not disclose the incident.

5. Taking into consideration the submissions of learned counsel for the parties, particularly taking into consideration the age of the prosecutrix that she is mature and married lady and that the incident is reported after two months and further taking into consideration that the submission of learned counsel for the applicant that there is no proper explanation for the delay and there is discrepancy in the statement of prosecutrix and her husband with regard to when incident was disclosed and further the statement of the neighbour-Bisahu Ram and that investigation is complete and charge sheet has been filed, I am inclined to grant bail to the applicant.
6. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties of the like amount to the satisfaction of the trial Court on the condition that-
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge