

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8178 of 2020

Pappu @ Krishna Kumar Khande, S/o. Jodhiram Khande, aged about 26 years, R/o. Uslapur, P.S. Sakri, District Bilaspur (C.G.)

---- Applicant

Versus

State Of Chhattisgarh, Through, Station House Officer, P.S. Sakri, District Bilaspur (C.G.)

---- Respondent

For Applicant	:	Mrs. Aditi Singhvi, Advocate
For State	:	Mr. Praveen Shrivastava, Panel Lawyer

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

Order On Board

26/02/2021

Heard.

1. The applicant is arrested in connection with Crime No.290/2020 registered in Police Station -Sakri, District Bilaspur for alleged commission of offence under Sections 506 & 376 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicant used to tease the prosecutrix and on 19.9.2020 he has taken the prosecutrix on his motorcycle in the house of his friend and there he committed forcible sexual intercourse with her and thereby committed the aforesaid offences.
3. Learned counsel for the applicant would submit that FIR has been lodged by the prosecutrix after one month of the incident i.e. on 18.10.2020 and the manner in which he has stated regarding the

incident, the applicant has been falsely implicated. He would further submit that no proper explanation of delay in lodging the FIR has been given. Investigation is complete, charge sheet has been filed, therefore, the applicant may be released on regular bail.

4. On the other hand, learned counsel for the State opposed the bail application by submitting that though there is some delay in lodging the FIR, the prosecutrix has clearly stated regarding forcible sexual intercourse without her consent, therefore, *prima facie* case of rape is made out against the applicant.
5. I have heard learned counsel for the parties and perused the case diary.
6. On *prima facie* consideration, the FIR has been lodged on 18.10.2020 in respect of the incident of 19.9.2020. Prosecutrix is a major married lady. According to her statement, the applicant was known to her and then she was called in the house of the accused and she had also gone along with the accused in the house of his friend. The allegation of commission of rape is said to have been committed at that point of time. No report was lodged for one month and the report shows that the incident was not being disclosed but later on when the accused attempted to continue the contact with the prosecutrix, FIR was lodged. Therefore, taking into consideration the circumstances of the material and that the investigation is complete, charge sheet has been filed and that the applicant is in jail since 19.10.2020, present is a fit case to release the applicant on bail.
7. The application is accordingly 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/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:-

- (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.

Sd/-
(Manindra Mohan Shrivastava)
Judge

D/-