

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUROrder reserved on 10-03-2021Order delivered on 17-03-2021**MCRC No. 8185 of 2020**

- Keshri Netam S/o Ishwar Netam Aged About 22 Years R/o Village Anesar, Police Station Devbhog, District Gariyaband, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Devbhog, District Gariyaband, Chhattisgarh.

---- Respondent

For Applicant :- Mr. Mohd. Afroz Athar, Advocate

For Respondent /State :- Mr. Rajendra Tripathi, PL

Hon'ble Mr. Justice Prashant Kumar Mishra

CAV Order

1. Heard.
2. The applicant has preferred this first bail application under Section 439 of CrPC, as he is arrested in connection with Crime No.121/2020, registered at Police Station Devbhog, District – Gariyaband C.G., for the offence punishable under Sections 354B, 376, 511 of the I.P.C.
3. The prosecutrix, a married lady, aged about 25 years, lodged an FIR on 4-8-2020 alleging that her husband had

gone to Bangalore (Karnataka) for earning livelihood and she resides alone in her house. At about 5-6 pm, on 2-8-2020, the applicant came to her house and expressed his liking for her and took her mobile number. He called the prosecutrix at about 9.00 pm; reached her house at about 10-11 pm; and started requesting for physical relation, but on refusal he undressed her; threw her on the ground, but she somehow saved herself, but the applicant, who was also naked, insisted the prosecutrix to take his private part in her hands upon which she picked up a razor blade and caused injuries over the penis of the applicant. The incident was disclosed to her mother-in-law Manglai Bai and thereafter, on the next day to Kotwar Laxminarayan Baghel and Sarpanch Kam Singh Dhruw.

4. The father of the applicant has lodged an FIR on 3-8-2020 itself alleging that when his son (applicant) had gone to the house of the prosecutrix upon some dispute, the prosecutrix has inflicted injuries over his penis by means of razor blade.
5. Learned counsel for the State, *per contra*, would oppose the bail application.
6. True it is that the FIR lodged by the father of the applicant is first in point of time but at the sametime it is also to be seen that statement of the prosecutrix is supported by her mother-in-law Manglai Bai to whom the prosecutrix disclosed about the incident immediately within half an hour. Similarly,

Kotwar Laxminarayan Baghel and Sarpanch Kam Singh Dhruw are also supporting the version put forth by the prosecutrix. FIR lodged by applicant's father supports the fact that the applicant had gone to the house of the prosecutrix at the relevant point of time.

7. Considering the fact that the applicant has also sustained injuries in the same incident and rape has not taken place, but it is a case of attempt to commit rape; the applicant is in jail since 29-9-2020; charge sheet has already been filed; and also considering the fact that in the counter case the prosecutrix has already been released on bail by order dated 26-11-2020 passed by the coordinate Bench of this Court in MCRC No.6199 of 2020, I am inclined to release the applicant on bail.
8. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Certified copy as per rules.

SD/-
(Prashant Kumar Mishra)
Judge

Gowri