

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8070 of 2021**

1. Ajay Kant Tiwari, S/o Hanuman Prasad Tiwari, aged about 34 years, Posted as Sub Inspector of Police at Ambagad Chouki, Rajnandgaon (CG), R/o Mahamaya Para, Ratanpur, District Bilaspur (CG)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Ratanpur, District Bilaspur (CG)

---- Non-Applicant

For Applicant	: Shri Awadh Tripathi, Advocate.
For Non-Applicant	: Shri Sushil Sahu, Panel Lawyer.

Hon'ble Shri Deepak Kumar Tiwari, J**Order On Board**

29/10/2021 :

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.400/2021 registered in Police Station Ratanpur, District Bilaspur for offence under Section 376, 376 (2)(n), 342, 506 & 294 of the IPC.
2. Case of the prosecution in brief is that on 28th August, 2021 the prosecutrix has lodged a report alleging that the present applicant has been raping her since 2004 till 1.12.2020. He also blackmailed her stating that if she discloses the incident to anyone, the applicant would publicize the obscene video and her photographs. Therefore, the prosecutrix due to fear did not report the incident to anyone. After getting married on 15.7.2021, the prosecutrix realizing the guilt narrated the entire facts to her husband and then made the complaint.
3. Learned counsel for the applicant submits that the applicant is an innocent person and is working as Sub Inspector with the State Police.

The prosecutrix is aged about 34 years. She herself has stated in the report that in the year 2004, when both of them were studying together, at that time, the applicant proposed the prosecutrix and she was also madly in love with the applicant. The applicant got married in the year 2012, which came as a shock to the prosecutrix. Even after marriage of the prosecutrix, the prosecutrix used to approach the applicant. In the year 2020 the prosecutrix came to the house of the applicant and asked the applicant and his wife for divorce. The prosecutrix firstly lodged the FIR on 21st July, 2021 and the second FIR was lodged on 6th August, 2021, wherein she has not narrated the incident of rape. The applicant is in jail since 13th September, 2021; charge sheet has already been filed and conclusion of trial may take some more for disposal. Therefore, the applicant may be released on bail.

4. On the other hand, learned State Counsel opposes the bail application.
5. Considering the facts and circumstances of the case, particularly the fact that in the earlier FIR the prosecutrix did not disclose the incident and the fact of rape was unfolded very belatedly, the prosecutrix is having relationship with the applicant since 2004, this Court finds fit to enlarge the applicant on bail.
6. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.10,000/- 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.

Sd/-
(Deepak Kumar Tiwari)
Judge