

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 9061 of 2020**

- Gourishankar Koshle S/o Sakharam Koshle, Aged About 20 Years R/o Village Chorhadevari, Police Station Ratanpur, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Ratanpur, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

**--Non-Applicant**

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| For Applicant           | : | Shri Sunil Verma, Advocate |
| For Non-Applicant/State | : | Shri C.B. Kesharwani, P.L. |

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**Hon'ble Justice Shri Gautam Chourdiya**

**Order on Board**

**11.02.2021**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 20.10.2020 in connection with Crime No.165/2020, registered at Police Station- Ratanpur, District Bilaspur(C.G.) for the offence punishable under Sections 456, 376 of the IPC.
2. Case of the prosecution is that on 2.3.2020 at about 7.00 pm, when the prosecutrix was all alone in the house, the applicant forcibly committed sexual intercourse with the prosecutrix. The prosecutrix lodged the FIR on 6.3.2020 after 4 days of the incident and the applicant was taken into custody.
3. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated and he has been falsely implicated in the case. He submits that when the applicant had gone to the house of the prosecutrix for taking his Nebulizer machine, husband of the prosecutrix has assaulted the

applicant and for the said act, sister of the applicant has lodged FIR against the husband of the prosecutrix on 5.3.2020 under Sections 294, 506, 323 of the IPC vide Crime No.158/2020 and thereafter Section 307 IPC was also added and the prosecutrix has lodged a false report of commission of rape against the applicant on 6.3.2020 to implicate him in the crime. He submits that the applicant is in custody since 20.10.2020; charge sheet has been filed and trial is likely to take some time for its final disposal, therefore, at this stage, the applicant may be granted bail.

4. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail.
5. Having considered the submissions made by learned counsel for the parties, the incident happened on 2.3.2020 whereas FIR was lodged on 6.3.2020 after 4 days of the incident; there are no internal or external injuries found over the body of the prosecutrix; sister of the applicant had earlier lodged FIR against the husband of the prosecutrix on 5.3.2020 for assaulting the applicant; the prosecutrix is a married lady, living with her husband; the detention period; charge sheet has already been filed; there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and that conclusion of trial is likely to take some time, without commenting on merits, I am inclined to grant bail to the applicant.
6. Accordingly, the bail application is allowed.
7. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs. 50,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail on following conditions:-
  - (a) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court.
  - (b) he shall not act in any manner which will be prejudicial to

fair and expeditious trial, and

(c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

(d) he shall not involve himself in any offence of similar nature in future.

Sd/  
**(Gautam Chourdiya)**  
**Judge**

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