

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 108 of 2021

- Uday Pratap Singh, S/o Late Shri Vanshropan Singh, aged about 62 years, R/o Near Village Railway Station, Vishrampur, Police Station- Vishrampur, Tehsil & District Surajpur (C.G.)

---- Applicant

Versus

- The State of Chhattisgarh, through : Police Station – Vishrampur, District Surajpur(C.G.)

---- State/Non-applicant

For Applicant : Shri D.K. Gwalre, Advocate

For Non-Applicant/State : Shri V.K. Agrawal, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

02.03.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 08.10.2020 in connection with Crime No. 193/2020 registered in Police Station- Vishrampur, Surajpur (C.G.) for the offence punishable under Sections 376 (2) (f), 498-A, 294, 323 & 506/34 of IPC.
2. Prosecution case in brief is that on 07.10.2020 the prosecutrix/complainant submitted a written report against three persons i.e. her husband, father-in-law and brother-in-law alleging therein that after her marriage, her husband usually used to stay in Rajasthan in connection with his Mining Studies and used to visit her occasionally. In absence of her husband, her father-in-law (the present applicant) used to keep evil eye on her and demanded sexual favours. In March, 2020 her father-in-law threatened her and demanded Rs.15,00,000/- and the accused persons started assaulting her. On 05.07.2020 having found her alone in the house, the applicant committed rape upon her. The complainant went to her parental home at Patna (Bihar) but her parents had a talk with the accused persons and brought her back to matrimonial home. Due to ill treatment the complainant submitted a

complaint in P.S. Vishrampur, but due to compromise, she withdrew that complaint by submitting an application. On 04.10.2020 husband and father-in-law again started demanding Rs.15,00,000/- and also started ill-treating her, therefore, on 07.10.2020 she made the report.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime. He submits that there is an inordinate delay in lodging the report which makes the case of prosecution suspicious. He further submits that the applicant who is 62 years old is languishing in jail since 08.10.2020, charge-sheet has been filed and conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering nature of allegation made against the applicant who is father-in-law of the prosecutrix, prior to lodging of the F.I.R, the prosecutrix made a complaint to Police Station Vishrampur as Annexure-A/2 in which she did not state that she conceived through the present applicant by committing rape, that there was dispute between the family members of applicants as some property was purchased in name of complainant, on which on 20.08.2020 objection was made before the Collector by the present applicant for not selling the property by the complainant and stay was granted in favour of the applicant and the said document is verified by the State counsel, the dispute started from 20.08.2020 between the complainant and the applicant, the detention period of the applicant who is 62 years old, charge-sheet has already been filed, conclusion of the trial is likely to take some time, the applicant has no criminal antecedent as admitted by both the counsel and that there is no apprehension of the applicant tampering with the evidence or absconding, without expressing any opinion on merits of the case, the application is

allowed.

6. It is directed that in the event of applicant executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions:-

- i. 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.
- ii. he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- iii. he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- iv. he shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

7. Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicant involving himself in similar offence in future.

Sd/-
(Gautam Chourdiya)
Judge

vatti