

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 323 of 2016

- Dasharath Chourasiya S/o Shri Jagmohan Chourasiya
Aged About 51 Years R/o Village Juna Lakhanpur, Police
Station & Tahsil Lakhanpur, Distt. Sarguja Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh through the Station House Officer,
Police Station Lakhanpur, Distt. Sarguja Chhattisgarh.

---- Respondent

For the applicant : Mr. Rahul Soni, Advocate.
For the Respondent : Mr. Ashutosh Pandey, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

29.01.2016

1. This is an application filed u/s 439 of the Code of Criminal Procedure seeking granting of regular bail to the applicant in connection with Crime No. 201 of 2015 registered at Police Station Lakhanpur Distt. Sarguja (C.G) for the offences punishable under sections 366 & 376 of IPC.
2. As per the prosecution case, on 12.11.2015 when the prosecutrix was going back to his house at village Sakariya, at that time, the applicant came from behind and pressurized her to take back the acquittal appeal relating to earlier report made against him for commission of rape and subsequently committed forcible sexual intercourse.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and

earlier similar nature of offence was registered against the applicant wherein the applicant has been acquitted by the Court of Addl. Sessions Judge (FTC) Sarguja in Sessions Trial No.132/2014 and after such acquittal again false report has been made. He relied on documents placed with the petition and would submit that a money dispute arose between the wife of applicant and the prosecutrix, consequently false report has been made which led to initiation of proceedings u/s 107 Cr.P.C. Therefore, he would submit that it is completely a case of out and out false accusations against the applicant. He further submits that challan in this case has been filed and the applicant is in jail since 14.11.2015, therefore, he prays for releasing him on bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Perused the earlier acquittal order 28.08.2015 passed in Sessions Trial No.132/2014 wherein similar allegations have been made and the applicant has been acquitted. Also perused the acquittal order dated 29.07.2010 passed by the JMFC, Ambikapur in Criminal Case No.265 of 2010 wherein allegations u/s 354 have been made.
6. Taking into fact that monetary dispute was existing between the wife of the applicant and the prosecutrix and further taking into fact that the applicant was acquitted in both the criminal cases i.e., S.T.No. 132/2014 and Cr. Case No.265/2010 wherein allegations u/ss 458 & 376 and another allegation u/s 354 respectively were made and looking to the background of this case, I

am inclined to release the applicant on bail.

7. Accordingly, this bail petition is allowed and the applicant is directed to be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He shall appear before the trial Court as and when directed by the said Court.

Cc as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**

Rao