

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4648 of 2024**

- Amar Pankaj @ Renu S/o Nakul Prasad Aged About 29 Years R/o Village Jamgahan, P.S. Bhatgaon, District Sarangarh - Bilaigarh (C.G.)

---- Appellant**Versus**

- State Of Chhattisgarh Through Station House Officer, P.S. Bhatgaon District Saragnarh-Bilaigarh (C.G.)

---- Non-Applicant

(Cause Title taken from Case Information System)

For Applicants : Mr. Aishwarya Kumar, Advocate.

For Non-Applicant : Mr. Hariom Rai, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****28.06.2024**

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 in connection with Crime No. 85/2024 registered at Police Station Bhatgaon District Saragnarh-Bilaigarh (C.G.), for the offence punishable under Sections 376(2)(N), 294, 323, 506 of the IPC.
2. Case of the prosecution, in brief, is that the genesis of the present cause lies on the FIR bearing No. 85/2024 registered before the PS Bhatgaon, District Sarangarh- Bilaigarh, (C.G). It is alleged that the herein applicant on 04.03.2024 went inside the home of Prosecutrix and threatened her to stay silent and committed Rape. After that day he would visit the Prosecutrix many times and commit rape with the same

threat, i.e on 24.03.2024, 30.03.2024. The Prosecutrix told her husband about this and after 5 days i.e on 05.04.2024 filed an F.I.R. Consequently, the present First Information Report has been lodged against the present Applicant u/s 376(2)(N), 294, 323, 506 of the Indian Penal Code.

3. Learned counsel for the applicants would submit that the applicant has been falsely implicated in this case. The allegation against applicant is utterly baseless and stems from the fertile imagination of the prosecution. It is asserted that prosecution has conveniently ignored the contradiction in the story. The present case is nothing but a fabricated case wherein the Applicants herein, being innocent, dragged into unnecessary litigation. The contents of the impugned complaint makes it evident that the complainant has made allegations which don't make any sense, as she was already in a consensual relationship. He later submits that the applicant was in fact in a consensual relationship with the Prosecutrix and Applicant had presented their whatsapp chats wherein the Prosecutrix can be seen explicitly inviting him over on those alleged days and other days, the same chats are explicit in nature and also include intimate pictures of Prosecutrix sent voluntarily. He lastly submits that the applicant in jail since 18.05.2024, the conclusion of the trial may take some time, hence he prays to release the applicant on bail.
4. Learned counsel appearing for the State/non-applicant opposes the bail application of the applicant and submits that as per the submission made by the prosecutrix in her statement under Section 164 Cr.P.C, the present applicant has exploited the victim on various occasions.

Hence, the bail application of the applicant is also liable to be dismissed.

5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, submissions of learned counsel for the parties, and from perusal of the statement of the victim under Section 164 Cr.P.C., it transpires that the victim is a married woman and her husband was not keeping well, and the applicant herein is a friend of the husband of the victim and has exploited the victim and established forceful physical relationship with her on various occasions, hence, this Court is of the opinion that it is not a fit case to enlarge the applicant on bail.
7. Accordingly, the bail application of the applicant – Amar Pankaj @ Renu, filed under Section 439 of the Cr.P.C., involved in Crime No. 85/2024 registered at Police Station Bhatgaon District Saranarh-Bilaigarh (C.G.), for the offence punishable under Sections 376(2)(N), 294, 323, 506 of the IPC, is **rejected**.
8. The trial Court shall conclude the trial as early as possible preferably within a period of six months in accordance with law, if there is no any legal impediment.
9. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information.

Sd/-
(Ramesh Sinha)
Chief Justice