

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6253 of 2015

Nilesh Sahu, S/o. Ashok Sahu, Aged About 25 Years, R/o. Village Godhi,
P.S. & Tah. Tamnar, Civil & Rev. Distt. Raigarh, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station
AJAK, Distt. Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ravi Kumar Bhagat, Advocate

For Respondent : Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.14/2015 registered at Police Station- Ajak, District Raigarh (C.G.) for the offence punishable under Sections 376 of Indian Penal Code and Section 3(2)(5) and 3(1)(12) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. As per the prosecution case, in brief, the FIR was lodged by the prosecutrix alleging that prior to five years from the date of FIR i.e. 20.07.2015, the applicant has committed forceful sexual intercourse with the prosecutrix.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and taking into the delay of lodging the FIR, the applicant may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.

5. I have heard learned counsel appearing for the parties and perused the case diary.
6. After going through the statement of the prosecutrix in the FIR wherein it is stated that the incident had occurred 4-5 years before and forceful rape was committed by the applicant to the prosecutrix and considering the delay in lodging of the report, without any observation on merit, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge