

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3771 of 2015**

- Pramod Kumar Patel, S/o Ramanuj Patel, aged about 27 years, R/o Village – Dongargaon, Thana/Tahsil-Dongargaon, District – Rajnandgaon (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through- Thana – Mohla, Distt. Rajnandgaon (C.G.)

---- Non-applicant

For Applicant: Mr. Samir Singh, Advocate.
For Non-applicant/State: Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****18/08/2015**

Heard.

(1) This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with crime No.41/2015 registered at Police Station Mohla, Distt.- Rajnandgaon for the offences punishable under Sections 376 & 312 of the Indian Penal Code and Section 3(1)(xii) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities Act), 1989.

(2) Case of the prosecution is that on applicant committed sexual intercourse with the prosecutrix from October, 2012 to February, 2014 and subjected her to abortion also and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the offence in question. He further submits that there is inordinate delay of three years in lodging the First Information Report and he has been arrested only on 11.07.2015; and the prosecutrix was demanding Rs. 5 lacks or five acres of land from the applicant and she has twice withdrawn the report lodged by her against the applicant, which goes to show that she has falsely implicated the accused/applicant in the offence in question and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case; further considering the extent of delay in lodging the First Information Report; his pre trial detention; and considering statement of the prosecutrix recorded under Section 164 of the Code of Criminal Procedure; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the bail application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-

