

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3817 of 2016

- Mithilesh Sen S/O Shri Chhanulal Sen Aged About 40 Years R/O Village Paragaon, Police Station & Tahsil Aarang, Civil & Revenue District Raipur, Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Police Station Aarang, Civil & Revenue District Raipur, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. J.A. Lohani, Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19.07.2016

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 on 14-05-2016 in connection with Crime No. 189 of 2016, registered at Police Station Aarang, District Raipur (CG) for the offence punishable under Sections 376 and 506 (b) of the IPC.
2. As per prosecution case, a report was made by the prosecutrix on 14-5-2016 that prior to three months of the incident, the applicant who is brother-in-law of the prosecutrix, had committed forcible sexual intercourse with her and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the prosecutrix who is a married lady was sister-in-law of the applicant, she was a consenting party to the entire incident and there was inordinate delay in lodging first information report. He would further

submit that the applicant has been falsely implicated in the case, charge-sheet has been filed, he is in jail since 14-5-2016 and no further investigation is required, therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statements of the prosecutrix who appears to be married lady and she was sister-in-law of the applicant.
7. Taking into consideration the facts and circumstances of the case, considering the statement of the prosecutrix and there was inordinate delay in lodging the first information report, and the fact that the charge-sheet has been filed, the applicant is in jail since 14-5-2016 and no further investigation is required, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju