

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5202 of 2016

- Bisahu Yadav S/o Dukhu Yadav, Aged About 32 Years R/o Chherkapur, Police Station Palari, District Baloda Bazar- Bhatapara, Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh through Station House Officer, Police Station Palari, District Baloda Bazar- Bhatapara, Chhattisgarh --- **Respondent**

For the applicant	:	Mr. T. K. Jha, Advocate
For the Respondent	:	Mr. Neeraj Sharma, Dy.Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.09.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 441 of 2015 registered at P.S. Palari, Distt. Baloda Bazar, Bhatapara (C.G) for the offence punishable under Sections 376(1), 323, 506-II of the IPC.
2. As per the prosecution case, on 18.11.2015 when the prosecutrix went to the field to cut the paddy at that time, the applicant offered her tobacco which she has thrown. Thereafter she was assaulted and forcible sexual intercourse was committed with her. Subsequently she disclosed it to the maternal uncle and the husband and the applicant was identified.
3. Learned counsel for the applicant would submit that the FIR is delayed by 13 days and no reason has been assigned for the delay in filing the FIR and false allegations have been attributed, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statements of the prosecutrix recorded u/ss 161 & 164 Cr.P.C., wherein positive allegations have been attributed. Also perused the medical report which has also shown positive indications. Thus considering the totality of facts and circumstances of the case, I am not inclined to allow this bail application. Accordingly, it is rejected.

Sd/-
GOUTAM BHADURI
JUDGE

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