

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5896 of 2016

- Shankar Sahu S/O Awadhram Sahu Aged About 22 Years R/O Near Hanuman Mandir Indira Nagar Baghera Police Station Pulgaon District Durg, Civil & Revenue District Durg Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through : Station House Officer, Pulgaon, District - Durg Chhattisgarh

---- Respondent

For Applicant : Mr. Gautam Khetrapal, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

29-09-2016

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 28-06-2016 in connection with Crime No. 311 of 2016, registered at Police Station Pulgaon, District Durg (CG) for the offence punishable under Sections 450, 376, 506 of the IPC and Sections 5 of the Protection of Children from Sexual Offences Act, 2012.
2. As per prosecution case, on 27-06-2016 a report was made by the complainant Manharan Verma, father of the victim girl that before two years of the incident, when his daughter was alone in the house, the applicant used to come to the house and developed sexual relation with her by force and thereafter she was threatened not to disclose about the incident to anyone and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case. There was delay of two years in lodging the report and same has not been properly explained and false allegations have been attributed to the applicant. He would further submit that the charge-sheet has been filed in this case, he is in jail since 28-06-2016 and no further investigation is required, therefore, he may be released on bail.
4. On the other hand, 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 which would show that the alleged incident is said to have taken place in the year 2014 and the first information report was lodged on 27-6-2016 whereby there was delay of two years in lodging the report.
6. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicant and further considering the delay of two years in lodging the report which has not been properly explained, I am inclined to release the applicant on bail.
7. 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