

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3245 of 2016

- Shiv Kumar Bharti S/O Faguram Bharti Aged About 22 Years By Caste Satnami, R/O Village Barbhata, Post Office Bade Gantoli, Police Station Kosir, Tahsil Sarangarh, Civil And Rev. Distt. Raigarh Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sarsiwa, District Baloda Bazar - Bhatapara Chhattisgarh.

---- Respondent

For Applicant : Mr. Janak Ram Verma, Advocate

For Respondent/State : Mr. Luv Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04.07.2016

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 01-04-2016 in connection with Crime No. 51 of 2016, registered at Police Station Sarsiwa, District Baloda Bazar/Bhatapara (CG) for the offence punishable under Sections 376, 494 & 313 of the IPC.
2. As per prosecution case, on 17-03-2016 a report was made by the prosecutrix that on 25-04-2013 the applicant on the pretext of marriage, has committed sexual intercourse with her and she became pregnant twice which was aborted and subsequently applicant refused to marry her.
3. Learned counsel appearing for the applicant would submit that the prosecutrix was a major girl on the date of incident and the incident took place in the year 2013 whereas the report was lodged in the

year 2016 and there was inordinate delay of 2 years 11 months in lodging the report and no explanation has been made as to what prevented the prosecutrix to make the report. He would further submit that the applicant has been falsely implicated in the case, charge-sheet has been filed, the applicant is in jail since 01-4-2016 and it was a case of consent, 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, documents and the statement of the prosecutrix
6. Taking into consideration the facts and circumstances, further considering the fact that there was inordinate delay of 2 years & 11 months in lodging the report, considering the statement of the prosecutrix and without any observation on the merits of the case, 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