

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3040 of 2016

- Yugal Kishore Banjare S/O Panchkumar Banjare Aged About 37 Years Caste Satnami, R/O Village Singhra, Post Office & Police Station Malkharouda, Tahsil Malkharouda, District Janjgir Champa, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Malkharouda, District Janjgir Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ranbir Singh Marhas, Advocate

For Respondent/State : Mr. Arvind Shukla, 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 19-04-2016 in connection with Crime No. 89 of 2016, registered at Police Station Malkharounda, District Janjgir-Champa (CG) for the offence punishable under Sections 376 & 506 of the IPC.
2. As per prosecution case, when the prosecutrix was a student, the applicant, who was running the school, committed forcible sexual intercourse with her and recorded the same in video and subsequently by black-mailing the same offence was repeated and thereby the offence was committed.
3. Learned counsel appearing for the applicant would submit that the alleged incident took place in the year 2011 whereas the report thereof was made in the year 2016 and there was inordinate

delay of five years 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 and the applicant is in jail since 19-4-2016, 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 five years in lodging the report 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