

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4173 of 2016

- Nishant@ Golu Rai S/O Anil Rai Aged About 25 Years R/O Bagrar, Tahsil - Marwahi, District Bilaspur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through - Station House Officer, Police Station Marwahi, District Surguja Chhattisgarh

---- Respondent

For Applicants : Mr. Qamrul Aziz, Advocate

For Respondent/State : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28-07.2016

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 26-4-2016 in connection with Crime No. 81 of 2012, registered at Police Station Marwahi, District Bilaspur (CG) for the offence punishable under Sections 363, 366, 376, 506-B & 201 of the IPC.
2. As per prosecution case, on 28-7-2012 a report was made by the prosecutrix that the applicant enticed her, took her away and thereafter on the pretext of marriage he committed sexual intercourse with her and she was left for some time 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, report was made after 39 days of the alleged incident and there is no evidence on record to show that prosecutrix was a minor. It is further submitted that the prosecutrix on her own went along with the applicant,

therefore, no case is made out against the applicant. He would further submit that charge sheet has been filed, he is in jail since 26-4-2016 and no further investigation is required, therefore, he may be released 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. Prima facie, no document is on record to show the age of the prosecutrix.
6. Taking into consideration the facts and circumstances of the case and considering the fact that there is delay of 39 days in lodging the report and back ground as narrated by prosecutrix and without any observation on the merits of the case, this court is 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