

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 5252 of 2016**

- Shivprasad S/o Ramsingh Gond Aged About 30 Years R/o Village Chhirhatola, Police Station Janakpur, District Korea Chhattisgarh ---  
**Applicant**

**Versus**

- State of Chhattisgarh through Station House Officer, Police of Police Station Janakpur, District Korea Chhattisgarh --- **Respondent**

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| For the applicant  | : | Mr. Anil Gulati, Advocate       |
| For the Respondent | : | Mrs. Shobha Kashyap, Govt. Adv. |

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**07.09.2016**

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. 17 of 2016 registered at P.S. Janakpur Distt. Korea (C.G) for the offence punishable under Sections 376 & 506 IPC.
2. As per the prosecution case, on 29.12.2015 while the prosecutrix was going to answer the call of nature at that time the applicant came there, caught hold of her hand and committed forcible sexual intercourse with her, thereby the offence is committed.
3. Learned counsel for the applicant submits that the prosecutrix is aged about 25 years, she was a consenting party to the incident and the FIR was filed on 20.01.2016 and there was delay of 21 days in filing the report for which no plausible explanation has been given, therefore, the applicant has been falsely implicated in this case. It is further submitted that the charge sheet has been filed and

no further investigation is necessary, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and the statement of prosecutrix.
6. Considering such statement and age of the prosecutrix who is stated to be aged about 25 years as also the fact that charge sheet in this case been filed, without any observation on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

**Sd/-**  
**GOUTAM BHADURI**  
**JUDGE**