

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5492 of 2016

- Deepchand Patel S/O Nitya Patel Aged About 58 Years R/O Village Gondi, Police Station Nandani Nagar Tahsil Dhamdha District-Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Nandani Nagar, District-Durg, Chhattisgarh.

---- Respondent

For Applicant : Mrs. Kiran Jain, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16-09-2016

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 20-6-2016 in connection with Crime No. 158 of 2016, registered at Police Station Nandani Nagar, District Durg (CG) for the offence punishable under Sections 376 and 506 of the IPC.
2. Case of the prosecution, in brief, is that a report was made by the prosecutrix on 19-6-2016 that on 20-3-2016 in order to treat the prosecutrix for her head-ache she was subjected to witch-craft, the applicant took her to lonely place and thereafter he committed sexual intercourse with her 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, first information report was delayed by three months, no plausible reason has been shown and even medical report does not support the commission of

offence. He would further submit that the applicant is in jail since 20-6-2016 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, perused the case diary and other documents.
6. Perusal of the case diary would show that first information report was delayed by three months and it is stated in the medical report that no definite opinion can be given about rape.
7. Taking into consideration the facts and circumstances of the case, considering the delay caused in lodging the first information report for which no reason has been stated and further considering the medical report and without any observation on the merits of the case, I am inclined to release the applicant on bail.
8. 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