

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 239 of 2017

1. Ram Narayan Nage, S/o. Late Narottam Nage Aged About 22 Years, R/o Village Jepra, Police Outpost- Halba, Police Station -Narharpur, District -Kanker, Civil & Revenue District -Uttar Bastar Kanker, Chhattisgarh.

----Applicant

Versus

1. State Of Chhattisgarh, Through : The Station House Officer, Police Station -Narharpur, District- Kanker, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sandeep Shrivastava, Advocate
For Respondent/State	: Mr. Neeraj Mehta, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/03/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.130/2016, registered at Police Station – Narharpur, District – Kanker (C.G.) for the offence punishable under Section 376 (2) (g) & 504/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 27.7.2016 a report was filed against the present applicant and other accused persons that prior to two years of the filing of the report all the accused/applicant have committed forcible rape with the prosecutrix on the date of Holi festival day when she went to take bath in the pond and it is also stated that she was in love with present applicant who on the pretext of marriage has committed further intercourse with her.
3. Learned counsel for the applicant would submit that the incident is alleged to have taken place two years back when the girl became pregnant and the name of present applicant has been falsely

implicated and nothing is on record to show that what restrained the prosecutrix from lodging the report for two years. It is further submitted that similarly placed co-accused persons have been enlarged on bail by this Court in M.Cr.C. No.7097/2016 vide order dated 17/11/2016, therefore, the applicant may also be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application, however, do not dispute the fact that similarly placed co-accused has been enlarged on bail.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement victim as also the statement of witness Uttam Patel. The alleged incident is said to have taken place prior to two years of the filing of the report. Considering the delay in lodging the FIR and looking to the statement of the victim and further considering the fact that similarly placed co-accused persons have been enlarged on bail by this Court in M.Cr.C. No.7097/2016 vide order dated 17/11/2016, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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