

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No.3658 of 2017**

Ramswaroop Ram S/o Khelawanram, aged about 45 years, R/o Manikpur,
Police Station Chalgali, District Balrampur – Ramanujganj (C.G.)

---- Applicant

versus

State of Chhattisgarh, Through : Police Station Chalgali, District –
Balrampur - Ramanujganj (C.G.)

---- Respondent

For Applicant	:	Shri Amarnath Pandey, Advocate
For Respondent/State	:	Shri Rahul Tamaskar, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

13.11.2017

1. This is the first bail application filed under Section 439 Cr.P.C. for grant of regular bail to the Applicant who has been arrested in connection with Crime No.13 of 2017, registered at Police Station Chalgali, District Balrampur – Ramanujganj (Chhattisgarh) for the offence punishable under Sections 376, 506 and 342 of the IPC.
2. Case of the prosecution in brief is that on 21.02.2017 at about 6:00 – 7:00 p.m., the prosecutrix, aged about 40 years, a married lady had gone to the house of the applicant to take liquor. The applicant called her inside his house. When she entered the house he bolted the door from inside and committed forcible sexual intercourse with her. She kept on sleeping in the house of the applicant for the whole night. Thereafter, the applicant bolted the door of his house from outside and went away. After two days, Sarpanch and other villagers took out her from the house of the applicant. She told them about the incident and thereafter lodged a report.
3. Learned Counsel appearing for the Applicant argued that the prosecutrix was a consenting party. She lodged the FIR belatedly. The applicant is in jail since 08.03.2017. Therefore, he may be released on bail.

4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard Learned Counsel for the parties and perused the entire case diary.
6. A perusal of the case diary would show that the prosecutrix is a married lady aged about 40 years. She allegedly stayed with the applicant at his house for two days. She lodged the FIR after 8 days of the incident.
7. Taking into consideration the totality of the facts and circumstances of the case, I am inclined to release the applicant on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicant shall be released on bail on furnishing a personal bond in the sum of Rs.20,000/- with one solvent surety of the like sum to the satisfaction of the concerned Trial Court for his appearance before the concerned Trial Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge