

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1953 of 2018

Lakesh Paikra, S/o Rijhan Ram, aged about 24 years, R/o Village- Semrathala, P.S. Kusmi, Distt. Balrampur- Ramanujganj (C.G.).

---- Applicant

Versus

State of Chhattisgarh Through: The Station House Officer, Police Station Kusmi, Distt. Balrampur – Ramanujganj (C.G.).

---- Respondent

For Applicant	:	Mr. Jitendra Shrivastava, Advocate
For Respondent	:	Mr. U.K.S. Chandel, PL

Hon'ble Shri Justice Arvind Singh Chandel
Order on Board

26/04/2018

1. The applicant has preferred first bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 94/2017 registered at Police Station- Kusmi, Distt.- Balrampur- Ramanujganj (C.G.) for the offence punishable under Section 376 of IPC.
2. As per the prosecution story from 2010 to 2017, the applicant on the pretext of marriage, committed sexual intercourse with the prosecutrix. On the basis of report made by the prosecutrix, offence was registered and the applicant was arrested on 06/11/2017.
3. Learned counsel appearing on behalf of the applicant submits that there was love relation between them, the prosecutrix was the consenting party and there is delay of about 8 years in lodging the FIR. He further submits that the applicant is in custody since 06/11/2017, charge sheet has been filed and the trial will likely to take some time,

therefore, he may be released on bail.

4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the above facts and circumstances of the case, particularly, the fact that there was love relation between the applicant and the prosecutrix, the prosecutrix was the consenting party and there is delay of 9 years in lodging the FIR. Moreover, the applicant is in jail since 06/11/2017 and the trial is likely to take time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, MCRC. No.1953/2018 is allowed. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 10,000/- with one surety for the like amount to the satisfaction of the trial Court. Thereafter, he will appear before the Trial Court on each and every date given by the said Court.

Sd/-
Judge
Arvind Singh Chandel