

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C No. 2528 of 2018

- Pintu @ Samir Sahu S/o Puranik Sahu Aged About 30 Years R/o- Laxmi Nagar, Tikrapara, Raipur, Tahsil And District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- S.H.O. Police Station- Kurud, District- Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh.

---- Respondent

For the Applicant : Shri Pushkar Sinha,
Advocate.

For the Respondent/State : Shri Anant Bajpai, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17.05.2018

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 in connection with Crime No.130/2018, registered at Police Station –Kurud, District – Dhamtari, (C.G), for the offences under Sections 376, 506 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He is in jail since, 22.03.2018. No case is made out against him, according to the material present in the charge-sheet. FIR has been lodged after a lapse of more than 08 months from the date of incident without giving any explanation of delay, hence, it is prayed that he may be released on bail.

3. Learned counsel for the State opposes the bail application and submissions made in this respect.
4. Heard counsel for both the parties and perused the case diary.
5. The case of the prosecution is this that, on 24.04.2017 at 10:00 in the night, the present applicant came to the house of the prosecutrix and knocked her door and when she opened the door he entered in her house and committed forceful sexual intercourse with her and threatened her with dire consequence to not to disclose to anybody about the incident. According to the statement given by the prosecutrix, because of some dispute with her husband, she left for her paternal home and when she came back her matrimonial home, 15.03.2018 a meeting was held in village, where she disclosed for the first time about the incident before elders of the villagers and on that basis FIR was lodged on 16.03.2018. Hence, this case.
6. Considered on the submissions made by learned counsel and the contents of the case diary. The sufficiency of the explanation about the delay in lodging of FIR shall be determined by the trial Court, for the present, I am of the view that it is a fit case, where the applicant should be granted bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd /-

(Rajendra Chandra Singh Samant)
Judge