

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C No.2909 of 2018**

Harish Kumar Sahu Premal Sahu, Aged About 25 Years Residing At Village Chhaparpara Basanwahi Dudhwa P. S. And Tahsil Narharpur, Distt. North Bastar, Kanker, Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Station- Kanker, District North Bastar, Kanker, Chhattisgarh.

---- Non-Applicant

For Applicant:	Shri PK Tulsiyan, Advocate.
For State/Non-Applicant:	Shri Anupam Dubey, Panel Lawyer

Single Bench: Hon'ble Shri Pritinker Diwaker, J
Order On Board**21.5.2018**

1. The Applicant has filed this application under Section 439 Code of Criminal Procedure for grant of regular bail as he is in custody since 20.3.2018 in connection with Crime No.71/2018 registered at Police Station Kanker, District Kanker (CG) for the offence punishable under Section 376 of IPC.
2. As per the case of the prosecution, on 13.2.2018, First Information Report was lodged by the prosecutrix, aged 23 years alleging in it that on 16.12.2017, she was subjected to physical relation by the accused/Applicant on the pretext of marriage. She further alleged that as the Applicant is now getting married with someone else, she has lodged the report.
3. Learned Counsel for the Applicant submits that there is inordinate delay in lodging the First Information Report and that the prosecutrix is a consenting

party. He further submits that the accused/Applicant is a soldier in the Army and has been falsely implicated in the instant case.

4. On the other hand, learned counsel for the State opposed the prayer for bail.

5. Considering the totality of the facts and circumstances of the case, in particular, the delay in lodging the First Information Report, without further commenting on merits, this Court is of the opinion that this is a fit case where the Applicant can be released on bail. Accordingly, the application is allowed and the accused/Applicant is directed to be released on bail on his furnishing a personal bond of Rs.1,00,000/- with one surety for the like sum to the satisfaction of the Court of the concerned Magistrate for his appearance before it as and when directed.

Sd/-

(Pritinker Diwaker)
V. JUDGE