

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3919 of 2018

Dev Singh Das Mahant S/o S/o Aarti Das Aged About 39 Years R/o Village Bandadarha, Police Station Dabhara, Tahsil Dabhara, District Janjgir- Champa, Chhattisgarh. **--- Petitioner**

Versus

State of Chhattisgarh District Magistrate, through Police Station Dabhara, District- Janjgir- Champa, Chhattisgarh., District : Janjgir- Champa, Chhattisgarh **--- Respondent**

For the applicant	:	Mr. Harshwardhan Jaiswal, Advocate.
For the Respondent	:	Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.07.2018

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 182/2017 registered at Police Station Dabhara, Distt. Janjgir Champa(C.G) for the offences punishable under Sections 376 and 506 of IPC.
2. As per the prosecution case, on 03.02.2017 the applicant forcibly entered into the house of prosecutrix, thereafter threatened to kill her and committed forceful sexual intercourse under the threat to kill.
3. Learned counsel for the applicant submits that the prosecutrix is major lady of 35 years, she was a consenting party and in the broad day light the incident happened. He further submits that the medical report also do not support the case of prosecution and there is inordinate delay in filing

the FIR.

4. Per contra, learned State Counsel opposes the bail application.
5. Perused the statement of prosecutrix, aged about 35 years. Also perused the map which depicts the place of incident. The FIR appears to be delayed by more than 57 days. Considering such facts situation of the case and the statement of prosecutrix who is a major lady, without any further observation on merits of the case, I am inclined to allow this bail application.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

Cc as per rules.

Sd/-
GOUTAM BHADURI
JUDGE