

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4087 of 2018**

Keshwar Ram, S/o. Kavalsai, Aged About 32 Years, R/o. Village Hirri, Police Station - Kusmi, District Balrampur - Ramanujganj Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through - Station House Office, Police Station -Kusmi, District Balrampur - Ramanujganj Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Amarnath Pandey, Advocate
For Respondent	:	Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

23/07/2018

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.15/2018, registered at Police Station- Kusmi, District – Balrampur – Ramanujganj (C.G.) for the offence punishable under Section 450, 376, 506 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 06.03.2018. No case is made out against him. The prosecutr in this case is a major lady and FIR has been lodged after delay of about four months for which there is sufficient explanation. Hence, it is prayed that the applicant may be enlarged on bail.
3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect.

4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. According to the prosecution case, on 04.11.2017 when the prosecutrix was alone in her house, the applicant forced his entry into her house and then raped her. On the date of Holi festival on 02.03.2018, when the applicant again tried to catch the hand of the prosecutrix, it was at that time, she disclosed about the incident to her husband and then the FIR has been lodged on 05.03.2018.
6. Considered the submissions made and the contents of the case diary. After considering on all the material present in the case diary and also considering on the reason explained for delay in lodging the FIR, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge