

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4102 of 2018

- Raja Ram Kujur S/o Sadar Kujur Aged About 20 Years R/o Village Vishunpur, Police Station And Tahsil - Sithapur District Sarguja Chhattisgarh.

---- Applicant

In Jail

Versus

- State Of Chhattisgarh Through Police Station - Kamleshwarpur, District Sarguja, Chhattisgarh.

---- Respondent

For Applicant	:	Shri RK Pali, Advocate.
For Respondent/State	:	Shri Vivek Sharma, GA

Hon'ble Shri Pritinker Diwaker, J

Order On Board

02/07/2018

The applicant has filed this application under Section 439 of CrPC for grant of bail as he is in custody since 16.3.2018 in connection with Crime No.10/2018 registered at Police Station – Kamleshwarpur, Distt. Sarguja (CG) for the offence punishable under Section 376 of IPC.

02. As per prosecution case, on 26.2.2018 an FIR was lodged by the prosecutrix that since 16.7.2017 she was being subjected to physical relation by the applicant as a result of which she is carrying pregnancy of about 7 months and now the applicant has refused to marry her.

03. Counsel for the applicant submits that there is inordinate delay of

about 8 months in lodging the FIR and considering the fact that the prosecutrix is aged 19 years, it is evident that she was a consenting party to the act, if any, committed by the applicant. He submits that investigation has already been completed and the applicant is languishing in jail since 16.3.2018.

04. On the other hand, State counsel opposes the bail application.

05. Heard counsel for the parties and perused the material available on record.

06. Considering the totality of the facts and circumstances of the case, in particular the statement of the prosecutrix, delay in lodging FIR, without further commenting on merits of the case, I am inclined to release the applicant on bail. Accordingly, the application is allowed. The applicant is directed to be released on bail on his furnishing a personal bond of Rs. 1 lac with one surety for the like sum to the satisfaction of the concerned trial Court for his appearance before it as and when directed.

Sd/

(Pritinker Diwaker)

Judge