

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4219 of 2018**

- Rajkumar S/o Makhan Kaushik, aged about 23 year, Occupation - Agriculture, R/o village Gochhiya, Police Station & Tahsil Kawardha, District Kabirdham (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh - Through : Station House Officer, Police Station S. Lohara, District Kabirdham (C.G.)

---- Respondent

For Applicant. : Shri Dharmesh Shrivastava, Advocate.
For Respondent. : Shri Rahul Tamaskar, P.L.

Hon'ble Shri Justice Pritinker Diwaker**Order on Board****03/07/2018**

1. The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody since 21.05.2018 in connection with Crime No.104/2018 registered at Police Station : S. Lohara, District Kabirdham (C.G.) for the offence punishable under Sections 376, 456 and 506 of IPC.
2. As per the prosecution case, 11.04.2018 the applicant entered the house of prosecutrix, married lady aged about 24 years, and committed forcible sexual intercourse with her. Further case of the prosecution is that earlier also on many occasions the applicant had physical relation with the prosecutrix as a result of which she was carrying pregnancy of 20 weeks.

3. Learned counsel for the applicant submits that apparently the prosecutrix is a consenting party. It has been argued that there is inordinate delay in lodging the FIR. According to prosecutrix, the incident occurred on 11.04.2018 whereas the report has been lodged on 21.05.2018. He further argued that according to 161 Cr.P.C. statement of the prosecutrix, earlier also she was subjected to physical relation by the applicant and on one occasion she and the applicant were caught red handed.
4. On the other hand, State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, in particular the statement of the prosecutrix, this Court is of the opinion that it is a fit case to release the applicant on bail.
7. 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 concerned Court for his appearance before it as and when directed.

Sd/-

(Pritinker Diwaker)
Judge