

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4249 of 2018**

- Suresh Kumar S/o Indrapal Singh Kanwar, aged about 35 years, R/o village - Kapot, Police Station & Tahsil - Pali, District - Korba (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh - Through : Station House Officer, Police Station Pali, District Korba (C.G.)

---- Respondent

For Applicant. : Shri Dharmesh Shrivastava, Advocate.
 For Respondent. : Shri Vivek Sharma, G.A.

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 24.04.2018 in connection with Crime No.106/2018 registered at Police Station : Pali, District Korba (C.G.) for the offence punishable under Sections 376 and 450 of IPC.
2. As per the prosecution case, on 12.04.2018 when the prosecutrix, a married lady aged about 25 year, was sleeping in her house, the applicant entered her house and committed forcible sexual intercourse with her.
3. Learned counsel for the applicant submits that very improbable story has been put forth by the prosecution. It has been argued that in the adjacent room, husband of the

prosecutrix was sleeping along with her other relatives and it is said that she was subjected to rape by the applicant. It has been further argued that there is delay of five days in lodging the FIR and no probable acceptable explanation has been offered by the prosecutrix. Lastly, it has been argued that even medical report of the prosecutrix does not support the prosecution case and no injury has been found on her body.

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 delay in lodging the FIR and 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