

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4841 of 2018

- Bhuneshwar Kaushik @ Rinku S/o Late Budhram Kaushik, Aged About 26 Years, R/o Village Mulmula, Marar Para, P. S. Kondagaon, District Kondagaon Chhattisgarh, District : Kondagaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Kondagaon, District Kondagaon Chhattisgarh, District : Kondagaon, Chhattisgarh

----Non-applicant

For Applicant – Shri Raza Ali, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-08-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 28-02-2018 in connection with Crime No.53/2018 registered at P.S. -Kondagaon, District Kondagaon, Chhattisgarh for the offence under Section 376 of the IPC and Section 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (in short 'the SC/ST Act).

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 28-02-2018. The FIR in this case is delayed. The prosecutrix is a major lady aged about 25 years who had consented for the physical relation. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application.

4. Heard learned counsel for the parties and perused the case diary.

5. As per allegation against this applicant, this applicant raped the prosecutrix on 19-02-2018 on the pretext that he will marry her. The prosecutrix

kept silence for two days and then filed a written complaint on 21-02-2018 on Sakhi Center, then the FIR was lodged on 22-02-2018.

6. As it appears from perusal of the case diary that the prosecutrix did not inform any member of her family upto 22-02-2018 and disclosed about the incident for the first time to her brother on 22-02-2018. This lapse of time needs explanation, hence, under these circumstances, I feel inclined to grant regular bail to the applicant.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge