

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4523 of 2018**

Gohandul Bargah, S/o. Late Shri Chandar Bargah, Aged About 35 Years, R/o. Jarhadand, Pendarkhi, Chowki Kedma, P. S. Udaypur, District Surguja, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Chowki Kedma, P. S. Udaypur, District Surguja, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. C.J.K. Rao, Advocate
For Respondent	:	Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**16/07/2018**

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. 130/2017, registered at Police Station- Udaypur, Police Chowki - Kedma, District – Surguja (C.G.) for the offence punishable under Section 366, 376, 506 of the Indian Penal Code and Section 3 (2) (5) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 01.02.2018. No case is made out against him on the basis of the material present in

the charge-sheet. The prosecutrix is aged about 35 years and she was a consenting party. The FIR has been lodged with delay of five days for which no satisfactory explanation has been given. 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. It is submitted that the prosecutrix has made statement against this applicant that he has committed the offence of rape, therefore, the applicant is not entitled for grant of bail.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. As per the prosecution case, on the date of incident on 11.11.2017 at about 4.00 PM in the evening, the applicant came to the house of the prosecutrix and by force took her to nearby jungle and raped her. FIR was lodged on 16.11.2017. Hence, this case.
6. Considered the submissions made and the contents of the case diary. There had been a eye-witness Ratiyaro Bai, who had seen the applicant taking the prosecutrix to the jungle and when she talked to prosecutrix on the next day, she was informed about the offence of rape, but even then, the delay of further 3-4 days is taken place in lodging of FIR. Hence after over all consideration of all the material present in the case diary, 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