

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4962 of 2018**

- Mantu Sahu S/o Shri Saroj Sahu Aged About 35 Years R/o Ghutrapara, Ward No. 23, Ambikapur, Distt. Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Ajak Ambikapur District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

For Applicant	: Mr. N.K. Mehta, Advocate
For State/respondent	: Mr. Anant Bajpai, PL for State.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****06/08/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.10/2018, registered at Police-Station-AJAK Ambikapur, District-Surguja(C.G.) for the offence punishable under Sections 376(2)(N) & 506 of the Indian Penal Code and Sections 3(2)(5), 3(2)(5A) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities)Act, and Section 4, 5(1), 6 of the Protection of Children from the Sexual Offences Act, 2012.

2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. He is in jail since 13.06.2018. The prosecutrix has lodged FIR after a delay of more than 3 months to which there is no explanation given by her, hence, the case against the applicant is concocted. Applicant is ready to abide by all the conditions and directions, which may be imposed while granting bail to him. Hence, it is prayed that applicant be enlarged on regular bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that according to statement given by prosecutrix no case is made out for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The allegation against the applicant is this that on 1.3.2018 he forcefully raped the prosecutrix and then again after about 4 weeks finding the prosecutrix alone he raped her. FIR has been lodged on 10.6.2018. hence, this case.
6. Considered on the entire material present in the case diary, the explanation that is given for delay in lodging FIR is this that the applicant had threatened the prosecutrix with dire consequences in case she lodges any report in the police-station. As it appears that prosecutrix has not raised any alarm at the time of incident and she kept silent for long time. After due consideration in all the facts and circumstances of this case, there is no definite opinion in the medical examination report of the prosecutrix, for these reasons, I am of this

view that this is a fit case where the applicant should be released on bail during the pendency of the case against him.

7. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed. It is directed that applicants 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 trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha