

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 6173 of 2018

- Vinod Manikpuri S/o Ramprieet Aged About 18 Years R/o Village Mahua Damarpara, Sanawal P. S. Sanawal, District Balrampur Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P. S. Sanawal, District Balrampur Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

---- Non-applicant

For Applicant	: Shri A.K. Yadav, Advocate.
For Non-applicant	: Shri Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

22.11.2018

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 02/2018 registered at Police Station – Sanawal, District Balrampur Ramanujganj (C.G.) for the offence punishable under Sections 376, 506(B) of the Indian Penal Code.
3. Case of the prosecution, in brief is that prosecutrix is about 18 years old. She is resident of village Mahua, Damarpara, Sanawal. On 05.01.2018 she had gone to Chheriyamachan forest to collect the wood along with Anita. Applicant reached there, gave threatening to kill her and committed forcible sexual intercourse with her. He took her, after giving threatening to kill her, in the house of her sister at village Tatiathar.
4. Learned counsel for the applicant argued that the applicant has no criminal background, he is innocent, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Counsel for the applicant further submitted that FIR is delayed by 6 days. Prosecutrix was allegedly the consenting party, they had love affair between them. He drew my attention to the statement of the mother of the prosecutrix recorded u/s 161 Cr.P.C.
7. What would be the effect of delayed FIR, it would be considered by the trial Court at the time of appreciation of evidence for the disposal of the case. At this stage applicant does not get any help from the delayed FIR.
8. Looking to the facts and circumstances of the case, looking to the statement of the prosecutrix recorded u/s 161 Cr.P.C., looking to the seriousness of the offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE