

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6337 of 2018**

Dinanath Pratap Singh, S/o Late Shivbrat Singh, Aged About 24 Years, Occupation Agriculture, Caste Khairwar, R/o Village Khara Para, Krishna Nagar (Dhamni) P. S. Trikunda, District : Balrampur, Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh, Through Station House Officer, Police Station Trikunda, District Balrampur-Ramanujganj Chhattisgarh

---- Respondent

For Applicant. : Shri C.Jayant K. Rao, Advocate.
For Respondent. : Shri Sameer Behar, P.L.

Hon'ble Smt. Justice Rajani Dubey
Order on Board

04/10/2018

1. The applicant has filed this First bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody since 26.03.2018 in connection with Crime No.08/2018 registered at Police Station : Trikunda, District Balrampur - Ramanujganj (C.G.) for the offence punishable under Sections 376(2)(b) of IPC and Section 5(b) and 6 of the POCSO Act.
2. As per the prosecution story, from 15.08.2015 to 24.08.2017 the applicant committed continuous sexual intercourse with the prosecutrix by giving her false promise of being getting married. On the basis of said story offence has been registered against the applicant and he is in custody since 26.03.2018.

3. Learned counsel for the applicant submits that apparently the prosecutrix is a consenting party. It has been argued that there is inordinate delay in lodging the FIR. According to prosecutrix, the incident occurred since 15.08.2015 whereas the report has been lodged in the year 2018. He further argued that the applicant is in custody since 26.03.2018, charge-sheet has been already filed and trial will likely to take some more time, therefore, he may be released on bail.
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 and the fact that prosecutrix is not a minor girl at the time of FIR and in her deposition she did not support the case of the prosecution, further considering that the applicant is in custody since 26.03.2018 and the offence is triable by Judicial Magistrate First Class, trial will take some more time, this Court is of the opinion that it is a fit case to release the applicant on bail.
7. Accordingly, the application is allowed.
8. It is directed that the accused/applicant shall be released on bail on his furnishing a personal bond of Rs.25,000/- with one surety for the like sum to the satisfaction of the concerned Court for his appearance before it as and when directed.

Sd/-
(Rajani Dubey)
Judge