

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7360 of 2018

Chandraket Jaiswal S/o Bhagwan Das, aged about 70 years, R/o Village-Kogwar, Chowki-Balangi, Police Station- Raghunathnagar, District- Balrampur-Ramanujganj (C.G.).

--- Applicant

Versus

State of Chhattisgarh, through : Station House Office, Police Station-Raghunathnagar (wrongly mentioned as Balangi), District- Balrampur-Ramanujganj (C.G.).

---- Respondent

For Applicant	:	Mr. D.N. Prajapati, Advocate
For Respondent	:	Mr. Bhaskar Payashi, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

31/10/2018

1. The applicant has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 4/2018 registered at Police Station-Raghunathnagar, District- Balrampur, Ramanujganj (C.G.) for the offence punishable under Section 366 & 376 of the IPC.
2. As per prosecution story, on 11/02/2018 a report was made by the prosecutrix, a married lady aged about 20 years alleging therein that on 14/07/2017, the present applicant took the prosecutrix towards a Jungle, where the applicant, on the pretext of marriage, committed sexual intercourse with the prosecutrix. On the basis of said report, offence was registered.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated. Before marriage

of the prosecutrix, there was love relation between the prosecutrix and the present applicant. After marriage, the prosecutrix did not want to reside with her husband, therefore, she herself left her matrimonial house. The applicant has not done anything against her will. The incident took place on 14/07/2017 and the FIR has been lodged on 11/02/2018, delay has not been properly explained. He further submits that the applicant is in custody since 24/07/2018 and charge-sheet has been filed, therefore, he may be released on bail.

4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the entire facts and circumstances of the case, particularly considering that the applicant is in custody since 24/07/2018, charge-sheet has been filed, the incident is happened on 14/07/2017 and the FIR has been lodged on 11/02/2018, delay has not been explained, without further commenting on merit of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court, as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge