

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8408 of 2018**

- Lakhan Lal Pobiya, S/o Pustam Pobiya, aged about 29 years, R/o Gohadidipa, O.P. Jutmil, Raipur, Police Station- Raigarh, District- Raigarh, (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through- Station House Officer, Police Station Police Chowki Ajak Raigarh, Civil and Revenue District- Raigarh, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Rajendra Tripathi, Advocate.
For Respondent/State	:	Shri Bhaskar Payashi, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

14/11/2018

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 08/2018, registered at Police Station Police Chowki Ajak, Raigarh, Civil and Revenue District- Raigarh, (C.G.), for the offence punishable under Sections 376, 315, 493 of the Indian Penal Code and 3 (1) B (1), 3 (2) (v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act.
2. As per the prosecution story, on 24.07.2018, a written complaint has been filed by the prosecutrix, who is a lady aged about 26 years wherein it has been alleged that prior to two years of the said complaint, the Applicant has committed sexual intercourse on pretext of marriage with her. As a result of this, she got pregnant. It was further alleged that the Applicant has aborted the prosecutrix. On the basis of the said report, offence has been registered against the present Applicant. He has been taken into custody since 28.08.2018.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that the Applicant is already a married person. He further states that the incident is of the year 2016 and report has been made after a gap of two years i.e. in the year 2018. Delay in filing the report has not been explained properly. Charge-sheet has already been filed. Applicant is in custody since 28.08.2018 and trial will take some time. 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 the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the prosecutrix is a major lady and delay in filing the report has not been explained properly, Applicant is in custody since 28.08.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him 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 solvent 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