

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8150 of 2018**

Govind Dhurve, aged about 23 years, S/o Deendayal Dhurve, R/o.-
Salhewara, Police Station – Chilfi, Tahsil – Bodla, Civil & Revenue District
-Kabirdham (C.G.)

----Applicant**Versus**

State of Chhattisgarh- Through : Station House Officer, Police Station – Chilfi,
Civil & Reveue District Kabirdham (C.G.)

---- Non-applicant

For Applicant	: Shri R.K. Agrawal, Advocate.
For State	: Shri Ashish Surana, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****31/10/2018**

Heard.

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 12/2018 registered at Police Station – Chilfi, District Kabirdham (C.G.) for the offence punishable under Sections 363, 366 & 376 of the Indian Penal Code and Sections 3 and 4 of POSCO Act.
2. Case of the prosecution, in brief, is that applicant committed sexual intercourse with the prosecution regularly six years prior to lodging of the FIR and thereby committed the aforesaid offences.
3. Counsel for the applicant submits that there is delay of six years in lodging the First Information Report as the incident has occurred prior to six years of lodging of the FIR and

no proper explanation was given for this inordinate delay in lodging the FIR. He submits that applicant is in jail since 30.05.2018; the charge sheet has already been filed and no custodial interrogation is required and, therefore, the applicant may be released on bail.

4. Per contra, counsel for the State would submit that the prosecutrix was minor on the date of offence and, therefore, the applicant is not entitled to be released on bail.

5. I have heard learned counsel appearing for the parties and perused the case dairy.

6. Taking into consideration the facts & circumstances of the case, further considering the extent of delay in lodging the FIR; and the facts that applicant is in jail since 30.05.2018 and the charge sheet has already been filed and no custodial interrogation is required; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed

7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

