

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8424 of 2018**

Gulab Ram Yadav S/o BhuvanRam Yadav, aged about 32 years, Caste Mahkul,
R/o Village Jamjhor, Police Station Bagbahar, Distt. Jashpur (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Chowki Kotba,
Police Station Bagbahar, Distt. Jashpur (C.G.).

---- Respondent

For Applicant	:	Mr. Arun Kumar Shukla, Advocate
For Respondent	:	Ms. Smita Ghai, PL

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 the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 81/2018 registered at Police Station Bagbahar, Distt. Jashpur (C.G.) for the offence punishable under Sections 376 and 506-II of the IPC.
2. In this case, the prosecutrix is a married lady, aged about 30 years. On 06/07/2018 she made a written complaint alleging therein that on 28/06/2018 she had gone to collect lanyard near the forest and was picking the lanyard. It is alleged that the applicant came there and suddenly caught hold her. The applicant, by giving threatening, committed sexual intercourse with her. Due to fear she did not disclose the fact to her husband. Later on, she told the incident to her husband and a report was made in this regard. The applicant was arrested on 07/07/2018,

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case due to enmity with the husband of the prosecutrix. He further submits that the incident happened on 28/06/2018 and the report has been lodged on 06/07/2018. Delay has not been properly explained. He further submits that the applicant is in custody since 07/07/2018 and trial will take time, therefore, the applicant 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 prosecutrix is a married lady who lodged the report after 8-9 days of the incident, the applicant is in custody since 07/07/2018 and the trial will likely to take some time, without further commenting no 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