

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 555 of 2019**

Santosh Singh Thakur S/o Patangu Ram Aged About 42 Years R/o Bandhwapara, Police Station- Sarkanda, Tahsil And District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station- Bilha, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Rajkumar Gupta, Advocate
For the State	:	Shri SRJ Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**08/02/2019**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.270/2018 registered at Police Station Bilha, District Bilaspur (C.G.) for the offence punishable under Section 376, 323, 354, 379, 506, 34 of IPC.
3. Case of the prosecution, in brief is that prosecutrix is 21 years old. She is resident of Bandhwapara Sarkanda. In the year 2013 applicant had made the obscene video of prosecutrix when she was bathing. Thereafter applicant committed repeatedly sexual intercourse with her after giving threatening that he will killed her and viral said video. On 06/09/2018 applicant and her wife came in her house and took the golden ornaments from the almirah.
4. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
6. Counsel for the applicant further submitted that FIR is delayed by 4-5 years, co-accused who is the wife of applicant has been enlarged on

anticipatory bail by the co-ordinate Bench.

7. Case of the co-accused is totally different from the case of applicant. The case of applicant is severer than the case of co-accused. Mere delay in lodging FIR is not a sole ground to enlarge the applicant on bail.
8. Looking to the facts and circumstances of the case, looking to the seriousness of the alleged offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde