

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1516 of 2019

Sudama Manjhi S/o Shri Shailendra Manjhi Aged About 28 Years
(Wrongly Mentioned As Shailendra Manjhi), R/o Subhash Nagar, P.S.
Ramanujganj, District- Balrampur, Ramanujganj, Chhattisgarh.
--- **Petitioner**

Versus

State of Chhattisgarh through Station House Officer, Police Station-
Ajak, Ambikapur, District- Surguja (Ambikapur), Chhattisgarh. ---
Respondent

For the applicant	:	Mr. N.K. Mehta, Advocate.
For the State	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19.03.2019

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 13/2018 registered at Police Station Ramanujganj, Distt. Balrampur-Ramanujganj (C.G) for the offences punishable under Sections 450, 376, 506 & 323 of IPC.
2. As per the prosecution case, on 11.02.2018 a report was lodged by the prosecutrix that on 08.11.2017 when the victim was alone in her home, the applicant came there and on the pretext of marriage committed sexual intercourse with her and thereafter he refused to marry her.
3. Learned counsel for the applicant submits that earlier bail application was dismissed as withdrawn with liberty to file the same after examination of the prosecutrix and by now she has been examined. He further submits that from her statement it would show that she was a consenting party.

He also submits that the applicant is in jail since 13.02.2018 and there is delay in progress of trial, which cannot be attributed to the applicant, therefore, he may be released on bail.

4. Per contra, learned State Counsel opposes the bail application.
5. Perused the statement of prosecutrix. Considering the same and looking to the period of custody of the applicant as he is stated to be in jail since 13.02.2018 as also delay in trial which cannot be attributed to the applicant, without any observation on merits of the case, I am inclined to allow this bail application.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**