

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2091 of 2019

- Ghanshyam Nayak S/o Shri Ramanuj Nayak Aged About 35 Years R/o Village Kansindhi, Police Station Chhura, District Gariaband Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Chhura, District Gariaband Chhattisgarh.

---- Respondent

For Applicant	: Shri Pragalbh Sharma, Advocate
For Respondent /State	: Shri Ravi Bhagat, Dy.GA

Hon'ble Shri Justice Sanjay K.Agrawal

Order On Board

20/05/2019

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. 118/2018 registered at Police Station Chhura, District Gariaband for the offence punishable under Section 376 of the Indian Penal Code.
2. Case of the prosecution in brief is that the applicant on 02.10.2018, is said to have committed forcible sexual intercourse with the prosecutrix and thereby committed the aforesaid offence.
3. Learned counsel appearing for the applicant would submit that there was 12 days of delay in lodging the FIR. He submits that the FIR

was lodged on 14.10.2018 and there is no explanation for the said delay and it is also not supported by medical evidence. He further submits that the applicant is innocent and he has been falsely implicated in the crime in question. Lastly, he submits that the applicant is in detention since 27.02.2019 and the charge sheet has already been filed and, therefore, the applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.

5. Taking into consideration the nature and gravity of the offence and further considering the nature and extent of delay in lodging the FIR and that he is in detention since 27.02.2019 and the charge sheet has been filed; and the trial is likely to take sometime for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

6. 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.

Certified copy as per rules.

Sd/-

(Sanjay K.Agrawal)
Vacation Judge