

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2306 of 2019**

- Durgesh Yadav S/o Chola Ram Yadav Aged About 22 Years R/o Village Ghuthiya, Tehsil- Pathariya, District- Mungeli, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station- Sargaon, District- Mungeli, Chhattisgarh.

---- Respondent

For Applicant	: Shri Anish Tiwari on behalf of Shri Atul Kesharwani, Advocates.
Respondent/State	: Smt. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**03/05/2019**

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 10/2019, registered at Police Station – Sargaon, District – Mungeli, Chhattisgarh, for the offence punishable under Sections 376, 506 B, 294, 452, 450 of the IPC.
2. In this case prosecutrix is a married lady aged about 23 years. On 13.01.2019, she lodged a report alleging therein that on 11.01.2019, about 7:30 pm, when she was alone in her house, allegedly, present Applicant entered in her house and started teasing and abusing her. Then Applicant committed forcible sexual intercourse with her and thereafter left the house. He also threatened her to kill if she will disclose the fact of sexual intercourse. On the same night, prosecutrix informed her husband about the incident through telephone. On the basis of the said, offence has been registered. Applicant has been taken into custody on 13.01.2019.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case due to some dispute. He further submits that incident took place on 11.01.2019 and report was lodged on 13.01.2019, thus, delay in lodging FIR is not explained properly. Allegation made against the Applicant is only on the basis of suspicion. Applicant is in custody since 13.01.2019 and trial will take some time. Therefore, he 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 the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that Applicant is in custody since 13.01.2019 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him 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 solvent surety for the like amount to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge