

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5977 of 2019

- Lakhma Podiyami S/o Late Shri Kosa Aged About 48 Years R/o Village Chidpal, Police Station Tongpal, District Sukma, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Chowki Pakhnar, And Police Station Darbha, District Jagdalpur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Vivek Kumar Tripathi, Advocate
For Respondent/State	: Ms. Akshara Amit, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

14/11/2019

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No.24/2019 registered at police station Pakhnar, Police Station Darbha, District Jagdalpur (CG) for the offence punishable under Sections 376 and 506 IPC.

Case of the prosecution in brief is that the prosecutrix lodged a report against the applicant had subjected her to rape and had also threatened her that if she discloses about the same to anyone, he will kill her.

Counsel for the applicant submits that the prosecutrix left with

the applicant of her own and there is no explanation for such a long delay. He further submits that the date of incident is 14.04.2019 whereas the report was lodged on 21.05.2019 i.e. after about one month. He submits that the applicant is in jail since 21.05.2019; the charge sheet has already been filed and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

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

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

Sd/-
(Rajani Dubey)
Judge