

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1135 of 2020

Ganeshwar Dhurve, S/o. Samaru Ram Dhurve, Aged About 24 Years, R/o. Minminiya, Police Station- Sahaspur-Lohara, District- Kabirdham, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station- Sahaspur Lohara, District- Kabirdham, Chhattisgarh

---- Respondent

For Applicant : Mr. Basant Dewangan, Advocate

For Respondent : Mr. Alok Bakshi, Addl. A.G.

Hon'ble Shri Justice Goutam Bhaduri

ORDER

12.05.2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.153/2019 registered at Police Station- Sahaspur-Lohara, District Kabirdham (C.G.) for the offence punishable under Section 376 of Indian Penal Code.
2. As per the prosecution case, on 29.09.2019 the prosecutrix lodged a report alleging that on 26.02.2019 when she went to the house of the applicant, he took her in his room and committed forceful sexual intercourse and thereafter on the pretext of marriage, the applicant committed sexual intercourse with her on many times.
3. Learned counsel for the applicant would submit that the FIR is delayed by 7 months and the prosecutrix is major and there is no plausible explanation for the same; therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail and read out the statement of the prosecutrix.
5. Considering the statement of the prosecutrix and the delay in lodging of FIR, without any observation, at this stage, I am inclined to release the applicant on bail. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
6. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge