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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3452 of 2020

- Hardev Ram Kumhariya S/o Ramsundar Aged About 41 Years R/o Karkepa Thana Pasta District Balrampur Ramanujganj Chhattisgarh. ---- **Applicant**

Versus

- State of Chhattisgarh Through Police Chouki Daura, Police Station Pasta District Balrampur Ramanujganj Chhattisgarh ---- **Respondent**

For Applicant	:	Shri Vikash Pandey, Advocate
For Respondent	:	Shri Sunita Jain, G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

24/08/2020

1. Heard on application for grant of bail.
2. The applicant has been arrested on 23.03.2020, on the allegation of having committed offence under Sections 450, 376, 506 of Indian Penal Code. He moved this application for grant of bail in connection with Crime No.17/2020 registered at Police Station- Pasta, District- Balrampur-Ramanujganj (C.G.).
3. Prosecution allegation is that on 17.03.2020, the applicant entered into the house of the prosecutrix at about 8 p.m. in the night when she was all alone in her home and the applicant committed rape on her. When husband came in the night at about 9 p.m., she informed the same and thereafter husband lodged F.I.R. on 22.03.2020.
4. Learned counsel for the applicant would argue that the prosecution

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case is of false implication. The prosecutrix is a major married lady, aged about 25 years. The F.I.R. has been lodged after delay of five days and in the medical report no injury has been found on any part of the body including private part. As investigation is complete and charge sheet has been filed, the applicant may be granted bail.

5. On the other hand, learned State counsel submits that the prosecutrix in her 164 CrPC statement recorded before the Magistrate, has clearly stated regarding commission of offence. He would submit that as per FIR, the husband was informed on the same day of incident, there was delay in his part in lodging F.I.R. because he was discussing the matter in the family relation.

6. Having considered the submission made by learned counsel for the parties, particularly taking into consideration that as per F.I.R. and 164 of CrPC statement of the prosecutrix, information regarding incident was given by her to the husband on the same day and thereafter written report of the incident was lodged though with some delay, I am not inclined to grant bail to the applicant, therefore, application is rejected.

Sd/-

(Manindra Mohan Shrivastava)

Judge