

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4520 of 2020**

Hariram Sahu, S/o Ramchandra Sahu, aged about 23 years, R/o Village-
Chhatauna, P.S. Chakarbhatha, District- Bilaspur (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, Through: Station House Officer, Police Station-
Chakarbhatha, District- Bilaspur (C.G.)

---- Respondent

For Applicant : Mr. C.R. Sahu, Advocate.

For State/respondent : Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****26/08/2020**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.143/2020 registered at Police Station- Chakarbhatha, District- Bilaspur (C.G.) for the offence punishable under Section 376 of IPC and Section 4 of POCSO Act.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The alleged incident of rape is said to have occurred in the month of October, 2019, whereas FIR has been lodged in the month of May, 2020. Thus, it is clear that the FIR has been lodged with an inordinate delay of seven months. The story narrated by the prosecutrix in FIR is totally concocted and

afterthought. When this applicant was about to be engaged, the prosecutrix turned up, raised objection and subsequently lodged a false report against this applicant. The applicant is in jail since 20.06.2020. The applicant was on bail during trial and he has not misused the liberty so granted. Hence, it is prayed that he may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the prosecutrix is a minor girl, who has made clearcut statement under Section 164 of Cr.P.C. regarding commission of rape upon her. He submits that delay in lodging FIR is of no consequence. In these circumstances, no case for bail is made out in favour of the applicant.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, it is alleged that this applicant committed the offence of rape upon the minor prosecutrix and thereafter threatened her not to disclose the incident to anyone. Subsequently, on 18.06.2020, the applicant again wrongfully restricted the prosecutrix in her way and by use of physical force, he outraged her modesty. Thereafter, the FIR has been lodged against him.
6. Considered on the submissions and also the statement given by the prosecutrix under Section 164 of Cr.P.C. Taking into consideration the facts and circumstances of the case, I feel inclined to allow the bail application of this applicant.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on

furnishing a personal bond for a 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/-
(Rajendra Chandra Singh Samant)
Judge

Nisha