

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4775 of 2020

- Omprakash Sahu, S/o. Dhalsingh Sahu, Aged about 35 years, Resident of Village Soram, Tehsil Patan, District Durg Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Ranitarai, District Durg Chhattisgarh

---- Respondent

For Applicant	: Ms. Aditi Singhvi, Advocate
For Respondent/State	: Shri Adil Minhaj, GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

01/09/2020

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. 43/2019 registered at police station Ranitrai, district Durg (CG) for the offence punishable under Section 376 IPC.

As per prosecution case, report was lodged by the prosecutrix alleging that the applicant developed physical relation with her on the pretext of marriage.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. She submits that the prosecutrix was a married lady and she left her husband and was living with the applicant of her own. She further submits that there was inordinate delay in lodging the FIR. She submits that when she became

pregnant and the applicant refused to marry her, report was lodged against him. Lastly, he submits that the applicant is in jail since 18.03.2020 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion therefore he may be released on bail.

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 and that there was inordinate delay in lodging the FIR, 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