

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5610 of 2020

1. Yashwant Sahu @ Manoj Sahu, S/o Panchram Sahu, Aged About 27 Years R/o Manikchori Thana - Pipariy, District - Kabirdham Chhattisgarh

Present Address - Shitla Mandir, Thana - Gudhiyari, District - Raipur Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh, Through The Arakshi Kendra Gudhiyari, Raipur, District - Raipur Chhattisgarh.

---- Respondent

For Applicant Mr. Faisal Akhtar, Advocate

For Respondent /State Mr. Vimlesh Bajpai, Govt. Advocate

(Proceedings through Video Conferencing)

Hon'ble Mr. Justice Prashant Kumar Mishra

Order On Board

19/10/2020

1. Heard.
2. The applicant has preferred this first bail application under Section 439 of CrPC, as he is arrested in connection with Crime No.97/2020, registered at Police Station Gudhiyari, District Raipur (CG), for the offence punishable under Sections 376, 376 (d) & 506 read with Section 34 of the Indian Penal Code.
3. Family of the applicant and that of the prosecutrix are tenant in the house of Pappu Sinha. First Information Report (FIR)

reveals that a few days prior to the present incident, applicant alleged that the prosecutrix has stolen his mobile. Thereafter, the present incident of rape happened on 16-4-2020. When the prosecutrix informed her husband and he, in turn, informed the landlord he asked for proof of the incident. Thereafter, the prosecutrix claims to have lodged an FIR on 27-4-2020, which was, later on, withdrawn, however, the present FIR was lodged on 6-6-2020 i.e. after a delay of about more than 1½ months.

4. Learned counsel for the State, *per contra*, would oppose the bail application.
5. The prosecutrix is a married woman and there appears prior dispute about theft of mobile. The FIR is enormously delayed, therefore, considering all the relevant aspects of the matter; also considering the fact that the applicant is in detention since 18-6-2020; and further considering the fact that the charge sheet has already been filed, I am of the opinion that present is a fit case to release the applicant on regular bail.
6. Accordingly, the bail application M.Cr.C.No.5610 of 2020 is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.
7. Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri