

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUROrder reserved on 02-11-2020Order delivered on 09-11-2020MCRC No. 6051 of 2020

1. Lakhanu Sahu S/o Jairam Sahu (not mentioned in the rejection order of the learned court below) Aged About 26 Years R/o Village Chhirpani (Kodwa), Police Station Kukdur, District Kabirdham, Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh Through Station House Officer, Police Station Kukdur, District Kabirdham, Chhattisgarh.

---- Respondent

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| For Applicant         | Mr. C.K. Sahu, Advocate            |
| For Respondent /State | Mr. Ravish Verma, Dy. Adv. General |

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***(Proceedings through Video Conferencing)***Hon'ble Mr. Justice Prashant Kumar MishraCAV Order

1. Heard.
2. The applicant has preferred this bail application for grant of bail as he has been arrested in connection with Crime No.82/2020, registered at Police Station - Kukdur, District : Kabirdham, for the offence under Section 376, 450 & 506 of the Indian Penal Code.

3. Applicant has committed forcible sexual intercourse with the prosecutrix, who is none other than his own Aunt (बूआ). The incident happened at about 12'O clock in the midnight on 24-7-2020 when the applicant forcibly entered into the house of the prosecutrix and committed forcible sexual intercourse and thereafter threatened to kill her if the incident is divulged.
4. Although the FIR has been lodged after a week on 4-8-2020 but having seen the case diary there is no material as to why the prosecutrix would lodge a false report against her own nephew. There is no material indicating any previous dispute between them or their families.
5. In so far as the delay in lodging the FIR is concerned there is material that a meeting of caste panchayat was convened wherein both the parties confronted with the incident, however, when the accused did not admit commission of offence the report was lodged.
6. Considering the entire facts situation of the case and looking to the nature of allegations, this Court is not inclined to grant bail to the applicant at this stage.
7. Accordingly, the bail application is rejected. However, liberty is reserved to the applicant to revive the prayer for grant of bail after examination of the prosecutrix.

Sd/-

(Prashant Kumar Mishra)  
Judge

Gowri