

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 2641 of 2021

1. Satyanarayan Sarthi S/o Late Nanki Ram Sarthi Aged About 50 Years R/o Village Bhadripali (Jetha) Police Station And Tahsil Sakti, District Janjgir Champa Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Through Station House Officer, Police Station Pamgarh, District Janjgir Champa Chhattisgarh

---- Respondent

For Applicant	Mr. Nitesh Shrivastava, Advocate
For Respondent /State	Mr. Sudeep Agrawal, Dy. Adv.General

(Proceedings through Video Conferencing)Order on BoardByPrashant Kumar Mishra, Ag. CJ6/7/2021

1. Heard.
2. The applicant has preferred this bail application under Section 439 of the Cr.P.C. for grant of bail as he has been arrested in connection with Crime No.546/2020, registered at Police Station Pamgarh, District Janjgir-Champa (CG), for the offence under Section 376(2)(f) of the Indian Penal Code.
3. Applicant is the maternal uncle of the father-in-law of the prosecutrix, who is a married lady, aged about 25 years. She gave birth to two sons, but both of them died and, thus, she was having a dispute with her husband and wanted to leave her marital house.

On the date of incident i.e. on 2-12-2020 the applicant had gone to the marital house of the prosecutrix to persuade her not to leave the marital house. When her husband had gone to attend duties of a Watchman the applicant entered the room of the prosecutrix at 10.30 pm and started flirting with her and thereafter committed forcible sexual intercourse twice after tiding the hands & legs of the prosecutrix. After the incident, which occurred on 2-12-2020, the prosecutrix stayed in her marital house till 7-12-2020. Her husband dropped her at her parental house on 8-12-2020 and on this date she disclosed the incident to her mother, which eventually came to the knowledge of her husband and other members of in-law's family, however, the FIR lodged only on 16-12-2020.

4. Learned counsel for the State, *per contra*, would oppose the bail application.
5. Considering the entire sequence of the events, particularly considering the fact regarding delay in lodging the FIR; further considering the close relation between the applicant and the prosecutrix; as also for the fact that the applicant is in jail since 8-3-2021 and 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 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)
Acting Chief Justice

Gowri