

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceedings through video conferencing****MCRC No. 3693 of 2021**

- Hemlal Malakar S/o Shri Nathulal Malakar Aged About 43 Years
R/o Village Bhaalumar, P.S. Gharghoda, Tahsil Gharghoda,
District: Raigarh, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through : The District Magistrate, District
Raigarh Chhattisgarh and Station House Officer, P.S. Gharghoda,
District Raigarh, Chhattisgarh.

---- Respondent

For Applicant	-	Shri Hari Agrawal, Advocate.
For Respondent/State	-	Shri Chandresh Shrivastava, Dy. Advocate General.

Hon'ble Shri Prashant Kumar Mishra Ag. Chief Justice
Order On Board

22-07-2021

1. Heard.
2. The applicant has preferred the first bail application under Section 439 of the Cr.P.C., as he has been arrested in connection with Crime No.96/2021, registered at Police Station Thana-Gharghoda, District- Raigarh (C.G.) for the offence punishable under Section 376 of the Indian Penal Code.

3. The applicant and the prosecutrix are relatives. The prosecutrix aged about 40 years lodged First Information Report on 13-04-2021 alleging that on 05-04-2020 and thereafter at regular intervals, he used to commit sexual intercourse, for which, she is carrying pregnancy. She delivered male child on 06-04-2021.
4. Learned State counsel would oppose the prayer for grant of bail.
5. Considering the entire facts situation of the case; delay in lodging the FIR and for the fact that the applicant is in jail since 20-05-2021 and the charge sheet has already been filed, I am inclined to release the applicant on 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 for 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.

SD/-

(Prashant Kumar Mishra)
Acting Chief Judge

Amardeep