

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 4690 of 2021

- Kanhaiya Sahu, son of Sohan Lal Sahu, aged about 34 years, resident of village Sakri (Amera), Police Station Palari, District Baloda Bazar (C.G.) at present resident of village House of the Dadu Sahu, Daldal Sivni, P.S. Pandri Raipur, District Raipur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : Station House Officer, P.S. Pandri Raipur, District Raipur (C.G.)

---- State/Non-applicant

For Applicant	:	Shri C.R. Sahu, Advocate
For Non-Applicant/State	:	Ms. Deepti Shukla, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J
Order on Board

27.07.2021

1. The application is heard through Video Conferencing.
2. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 12.06.2021 in connection with Crime No. 118/2021 registered in Police Station Pandri Raipur, District Raipur (CG) for the offence punishable under Sections 376 (2) (n), 456 & 506 of IPC.
3. Case of the prosecution in brief is that on 12.06.2021, the prosecutrix lodged a written complaint at Police Station Pandri Raipur to the effect that the accused/applicant committed forcible sexual intercourse with her number of times in her house when her husband was not in the house. It is also alleged that as applicant had threatened of killing her husband, son and herself, therefore, due to fear, she did not lodge the report against the applicant earlier.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He submits that the prosecutrix was a major married

lady of 25 years and in fact she was a consenting party, therefore, the applicant has been falsely implicated in this case. He submits that there is unexplained delay in lodging the report. Therefore, the applicant be released on bail.

5. On the other hand, learned counsel fore the State opposes the bail application.
6. Considering the facts and circumstances of the case, looking to the allegation made against the applicant, first offence on 13.05.2021 and subsequently on 04.06.2021 were committed by the appellant, therefore the prosecutrix lodged the report, due to threat being given by the applicant of killing her husband, son & herself and feeling shame she could not lodge report at earlier point of time, there is no previous enmity between the prosecutrix and the appellant has been shown, therefore, I am not inclined to grant bail to the applicant.
7. Accordingly, the bail application is dismissed.

Sd/-

(Gautam Chourdiya)
Judge