

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7315 of 2020**

- Kamal Singh, S/o Khel Singh, aged about 27 Years, R/o Village Pampapur, Police Station Surajpur, Tahsil Ramanujnagar, District Surajpur, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police of Police Station Surajpur, District Surajpur, Chhattisgarh.

---- Non-applicant

For Applicant
For State

Mr. Anil Gulati, Advocate.
Dr. (Ms.) Veena Nair, Deputy A.G.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

16/02/2021

1. The applicant has preferred this application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.328/2020 registered at Police Station-Surajpur, District Surajpur, C.G. for the offence punishable under Sections 376 & 506 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 24.07.2020 at about 7:30 pm when the prosecutrix was returning to her home after attending the nature's call at that time applicant met her, pushed her on the road, removed her clothes and committed forcible sexual intercourse with her and threatened her for life. Thereafter, prosecutrix narrated the above incident to her husband. On report being lodged to the above effect, the aforesaid offence has been registered against the applicant.
3. Learned counsel for the applicant submits that applicant is an innocent

person and has been falsely implicated in this case. He submits that there is inordinate delay in lodging the FIR as the incident occurred on 24.07.2020 and the FIR was lodged on 14.08.2020 and the delay in lodging the FIR has not been properly explained by the prosecution. He submits that prosecutrix was a major girl and a consenting party. Applicant is in jail since 14.08.2020 and conclusion of the trial is likely to take some time. Therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. Heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the conduct of the applicant, there was no love affair between the applicant and the prosecutrix, the fact that incident happened on 24th July, 2020 and after the incident prosecutrix informed her husband about the incident and lodged the FIR against the applicant on 14th August, 2020, *prima-facie* there is no reason to disbelieve the statement made by the prosecutrix or to infer that she has falsely implicated the applicant, without commenting anything on merits of the case, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application stands dismissed.

Sd/-
Gautam Chourdiya
Judge