

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9731 of 2021**

- Humanlal S/o Ramdas Aged About 30 Years Caste Gond, R/o Matikachhar, Police Station Gourela Pendra Marwahia Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Gourela, District Gourela Pendra Marwahia Chhattisgarh.

---- Respondent

For Applicant :- Mr. B.P. Singh, Advocate
For Respondent-State :- Mr. Wasim Miyan, PL

Hon'ble Shri Justice Deepak Kumar Tiwari
Order On Board

21/12/2021

1. The applicant has preferred this first bail application under Section 439 of the Cr.P.C. for grant of regular bail as he is arrested in connection with crime No.420/2021 registered in Police Station Gourela, District Gourela Pendra Marwahi C.G. for the offence punishable under Sections 456, 376, 506 of the I.P.C.
2. Case of the prosecution, in brief, is that on 03.11.2021, prosecutrix and her minor children were in the house, applicant entered into the house and committed forcible sexual intercourse with her. Report of the above incident was lodged on 11.11.2021.
3. Learned counsel for the applicant submits that the present applicant is an innocent person and has been falsely implicated. He would

further submit that applicant was running a haller mill and provision shop. Prosecutrix and her husband used to borrow goods from the applicant's shop and a sum of Rs.10,000/- was due which the applicant was demanding from them. Out of which a quarrel took place and a false report has been lodged against the applicant. It is submitted that applicant is in jail since 12.11.2021 and the trial is likely to take some time, therefore, he may be enlarged on bail.

4. *Per contra*, learned State counsel would oppose the prayer for grant of bail.
5. Considering the facts and circumstances of the case particularly considering the delay in lodging the FIR ; prosecutrix is a married lady, therefore, without commenting anything on merits, this Court is inclined to release the applicant on bail.
6. Accordingly, the application is allowed and the applicant is directed to be released on bail on executing a personal bond for a sum of Rs.10,000/- 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.

Certified copy as per rules.

SD/-

(Deepak Kumar Tiwari)
Judge

Ayushi