

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2684 OF 2015**

Ganesh Prasad Gupta, son of Late Yugal Kishore Gupta, aged 44 years,
Resident of Vill: Barela, P.S. Jarhagaon, Tah: Takhatpur, Dist: Mungeli
(Chhattisgarh)

---Applicant**Versus**

State of Chhattisgarh Through Station House Officer, Police Station
Jarhagaon, Takhatpur, Distt.Mungeli (Chhattisgarh)

---Non-applicant

For Applicant	:	Mr. Ashish Shrivastava, Advocate.
For-Non-applicant	:	Mr. Ramakant Mishra, Dy.Advocate General

Hon'ble Shri Justice Sanjay K. Agrawal**CAV ORDER****31/07/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.13 of 2014, registered at Police Station-Jarhagaon, District-Mungeli (CG), for the offence punishable under Sections 506 & 376 of the IPC and 66(A), 66 (E), 67(A) & 72 of the Information Technology Act.

2. Case of the prosecution, in brief, is that, the applicant has allegedly committed sexual intercourse with the prosecutrix from 2010 to March, 2013 and thereby committed the aforesaid offence.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and has falsely been implicated in crime in question. There is delay of two years in lodging the F.I.R. F.I.R. has been

lodged on 7.2.2014, whereas she was married with Jitendra Gupta on 8.2.2013 and there is no reasonable explainable of delay in lodging the F.I.R. Learned counsel would further submit that the applicant is in jail since 19.5.2015 and charge-sheet has already been filed.

4. Learned State counsel would oppose the prayer for grant of bail and submit that not only prior to marriage even after 8.2.2013, the applicant has committed sexual intercourse and has also taken obscene photographs of the prosecutrix.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; extent of delay in lodging the F.I.R. as the offence is said to have been committed from 2010 to March, 2013 and thereafter the prosecutrix was married on 8.2.2013 and even thereafter the applicant is said to have been committed sexual intercourse with the prosecutrix, but F.I.R. came to be lodged only on 7.2.2014 and taking note of the fact that charge-sheet has already been filed and no further interrogation is required, also taking note of report of the Director, Forensic Science Laboratory dated 6.3.2014 and considering the pre-trial detention of the applicant, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the

satisfaction of the concerned trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-