

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2919 of 2015**

- Lingraj S/o Shri Bhagwat Sao Aged About 39 years R/O Village- Bunga, Tahsil And P.S.- Pussore, Civil And Revenue District- Raigarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh S/o Through: S.H.O. of The Police Station- Pussore, District- Raigarh, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Abhishek Saraf, Advocate.
For Respondent/State	:	Mr. Neeraj Pradhan, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****29/06/2015**

The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail, who has been arrested on 25-2-2015 in connection with Crime No. 28 of 2015 registered at Police Station Pussore, District Raigarh (CG) for the offence punishable under Sections 450, 376 of the IPC the IPC.

2) The case of the prosecution, in brief, is that on 13-2-2015 at 1.30 a.m., present applicant entered the house of the prosecutrix and committed sexual intercourse with her against her will and thereby he committed the aforesaid offence.

3) Learned counsel appearing for the applicant would submit that the applicant has not committed any offence and he has been falsely implicated in the case. The allegation of the prosecution is unfair that the rape was allegedly committed in presence of the husband of the

prosecutrix. He would further submit that the offence is said to have been committed in the intervening night of 13/14-2-2015 whereas the FIR was lodged on 25-2-2015, thus there was delay of 11 days in lodging the first information report. He would further submit that the prosecutrix was major woman and the husband was present in the house. Charge-sheet has been filed in the case, applicant is in jail since 25-2-2015 and no further custodial interrogation of the present applicant is required by the prosecution, therefore, he may be released on bail.

4) On the other hand, learned State counsel opposed the bail application.

5) Taking into consideration the facts and circumstances of the case, nature and gravity of the offence, charge-sheet has been filed, pre-trial detention of the applicant, the role of the present applicant and further taking into consideration the extent of delay of delay in lodging the first information report, I am of the considered opinion that *prima facie* it is a fit case where the applicant can be released on bail.

6 Accordingly, the application is allowed. It is ordered that the applicant shall be released on bail on his furnishing a personal bond of Rs.25,000/- along with one surety of the like amount to the satisfaction of the trial Court. He shall appear before the trial court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE