

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2996 of 2015

- Ashish Xalxo, S/o Mukti Xalxo, Aged About 24 years, Caste-Uraon, resident of Goriya, Police Station Narayanpur, Tah. Kunkuri, District Jashpur Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Narayanpur, District Jashpur Chhattisgarh.

---- Respondent

For Applicant:	Shri J.K. Saxena, Advocate.
For Respondent/State:	Shri Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

01/07/2015

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 47/2015 registered at Police Station Narayanpur, District-Jashpur for the offence punishable under Section 376/34 of Indian Penal Code.

(2) Case of the prosecution, in brief, is that applicant committed sexual intercourse with the prosecutrix, aged about 22 years, continuously from 12.1.2013 to 16.5.2015 and, thereby, committed the aforesaid offence.

(3) Learned counsel for the applicant submits that prosecutrix is a major girl and she is consenting party to act of the applicant and, as such, applicant has already married with prosecutrix, which the family of the prosecutrix has not accepted and lodged false report against the applicant, in which, he is in jail since 30.05.2015 and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case, further considering extent of delay in lodging the FIR; defence of the applicant; and the fact that applicant is in jail since 30.05.2015; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of ₹ 25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

(7) Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)

Judge

D/-