

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.3024 of 2015

Toto @ Manohar Kandara, S/o Chhotelal Kandara, aged about 30 years, R/o
ISD Colony, Mohbhata, Police Station Bemetara, Civil and Revenue District
Bemetara (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Police Station City Kotwali, Bemetara, Civil
and Revenue District Bemetara (C.G.)

---- Non-applicant

For Applicant: Mr. V.A. Goverdhan, Advocate.

For Non-applicant: Mr. S.R.J. Jaiswal, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

27/07/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.177/2015 (ST No.52/2015 pending in the Court of Additional Sessions Judge, Bemetara), registered at Police Station Bemetara, Distt. Bemetara, for the offence punishable under Sections 456 and 376 of the IPC.
2. Case of the prosecution, in brief, is that the applicant is said to have committed sexual intercourse with the prosecutrix on 17-3-2015.
3. I have heard learned counsel for the parties and perused the case diary.
4. Learned counsel for the applicant submits that the applicant has not committed any offence, he has been falsely implicated in the crime, he is in jail since 19-3-2015 and charge sheet has already been filed. He further submits that FIR is delayed by two days as it was lodged on 19-3-2015

whereas the incident is alleged to have occurred on 17-3-2015 at 10 a.m..

He also submits that statement of husband of the prosecutrix has not been recorded and as such there is no medical evidence.

5. On the other hand, learned State counsel opposes the application.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, pre-trial detention of the applicant, extent of delay in lodging the FIR, lack of medical evidence and the fact that charge sheet has already been filed, I am of the view that it is a fit case to grant regular bail to the applicant. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge