

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.3195 of 2015

Mohd. Ejaz, S/o Mohd. Azmuddin, aged about 30 years, R/o Ward No.11, Thankhamhariya, Police Station & Tahsil Thankhamhariya, Civil and Revenue District Bemetara (C.G.)

---- Applicant

Versus

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

---- Non-applicant

For Applicant:	Mr. Vaibhav A. Goverdhan, Advocate.
For Non-applicant:	Mr. Lav Kumar Sharma, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

08/07/2015

1. Heard.
2. 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.61/2015 (Criminal Case No.61/2015 pending in the Court of Judicial Magistrate First Class, Saja), registered at Police Station Thankhamhariya, Distt. Bemetara for the offence punishable under Sections 450, 376 and 506B of the IPC.
3. Case of the prosecution, in brief, is that the applicant is said to have entered into the house of the prosecutrix on 10-2-2015 and alleged to have committed sexual intercourse with her on the said date.
4. Learned counsel for the applicant submits that the applicant has not committed any offence and has been falsely implicated in the case, as FIR came to be lodged on 25-4-2015 after delay of 2 ½ months and the explanation allegedly given that on account of threatening given by the accused, is per se false and as such, challan has already been filed and the

applicant is in custody from 28-4-2015.

5. On the other hand, learned State would oppose the bail application.
6. Taking into consideration the nature and gravity of offence, extent of delay in lodging the FIR, the fact that charge-sheet has been filed, no custodial interrogation of the applicant is required and the applicant is in jail since 28-4-2015, I am of the view that it is a fit case to enlarge the applicant on regular bail. 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