

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3479 of 2015**

- Kamlesh Kumar Rajwade, S/o Dhaneshwar Rajwade, aged about 22 years, R/o village Tarkeshwarpur (Taraiyadand) Police Station and Tahsil Premnagar, Civil and Revenue District Surajpur, District Surajpur (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through: Station House Officer, Police of Police Station – Premnagar, District – Surajpur (C.G.)

---- Non-Applicant

For Applicant:	Shri Anil Gulati, Advocate.
For Respondent/State:	Shri Neeraj Pradhan, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****27/07/2015**

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. 05/2015 registered at Police Station Premnagar, District Surajpur for the offence under Section 376 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that applicant is alleged to have committed sexual intercourse with the prosecutrix against her will on 02.01.2015 and thereby committed the aforesaid offence.

(3) Counsel for the applicant submits that there is delay of five days in lodging the First Information Report as the incident had occurred on

02.01.2015 whereas FIR has been lodged 07.01.2015 without any explanation; medical report of the prosecutrix does not support the case of the prosecution and the written report lodged by the prosecutrix is absolutely vague; the applicant is in jail since 15.05.2015; and the charge sheet has already been filed and, therefore, the applicant may be released on bail.

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

(5) Taking into consideration the facts & circumstances of the case, further considering the extent of delay in lodging the FIR; and the facts that applicant is in jail since 15.05.2015 and the charge sheet has already been filed; 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 Rs.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.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-

