

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 3595 OF 2015**

Laxman Bhoy S/o Lekru Bhoy, aged about 24 years, by caste Sanwara, R/o village Pusalda, P.S. Pusaure, Civil & Revenue Distt. Raigarh (C.G.)

---Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Pathhalgaon, Distt. Jashpur (C.G.)

---Non-applicant

For Applicant	:	Mr. Sunil Sahu, Advocate
For Non-applicant	:	Mr. Aditya Sharma, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****03/08/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 109/2014, registered at Police Station Pathhalgaon, Distt. Jashpur (C.G.), for the offence punishable under Section 376 of I.P.C.

2. Case of the prosecution, in brief, is that, from August, 2014 to January, 2015, present applicant has allegedly committed sexual intercourse with the prosecutrix, who is major girl on the pretext of marriage and thereby committed offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in the offence in question. He would further submit that FIR has been lodged on 03/06/2015 and there is inordinate delay in lodging the FIR. He would further submit that

prosecutrix is major girl and consenting party. He would further submit that there is no medical evidence to connect the applicant in offence in question and no custodial interrogation is required. He would lastly submit that charge sheet has been filed and applicant is in jail since 05/06/2015 therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; extent of delay in lodging the FIR; role of the present applicant in offence in question and charge sheet has been filed, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE