

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 3676 OF 2015**

Jaikumar Mahobiya S/o late Shri Shivprasad Mahobiya, aged about 46 years,
R/o Haldibadi, Chirmiri, Police Station Chirimir, Tahsil Khadgawan, District
Korea (C.G.)

---Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station
Khadgawan, District Korea (C.G.)

---Non-applicant

For Applicant	:	Mr. Sushil Dubey, Advocate
For Non-applicant	:	Mr. Vivek Singhal, P.L.
For Objector	:	Mr. Ravish Verma, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****11/08/2015**

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. 185/2015, registered at Police Station Khadgawan, District Korea, for the offence punishable under Sections 376, 342 of I.P.C.

2. Case of the prosecution, in brief, is that, on 02/12/2013, present applicant committed sexual intercourse with the prosecutrix 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 offence in question. He would further submit that prosecutrix is major and consenting party. He would further submit that no custodial interrogation is required and

no useful purpose would be served by keeping him in jail. He would lastly submit that charge sheet has been filed and applicant is in jail since 23/06/2015 therefore, he may be released on bail.

4. On the other hand, learned counsel for the State and learned counsel for the objector would oppose the prayer for grant of bail.

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; defence taken by the applicant; charge sheet has been filed and applicant is in jail since 23/06/2015, 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