

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MISC. CRIMINAL CASE NO. 3599 OF 2015**

Rohit Singh Tomar, son of Late Om Prakash Singh Singh, aged about 20 years, resident of Pujari Nagar, Near Hanuman Temple, Police Station Kotwali, Raipur (CG) presently at C/16, Sai Villa, Bhathagaon, Police Station Purani Basti, Raipur, Tahsil & District Raipur (CG) Civil & Revenue District Raipur.

---Applicant**Versus**

State of Chhattisgarh, through the Police Station City Kotwali, Raipur.

---Non-applicant

For Applicant	:	Mr. B.P. Sharma, Advocate.
For-Non-applicant	:	Mr. Lav Sharma, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**C A V Order****07/08/2015**

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. 189/15, registered at Police Station City Kotwali, Raipur, for the offence punishable under Sections 376, 377, 294, 506 of the I.P.C.

2. Case of the prosecution, in brief, is that, applicant committed sexual intercourse with the prosecutrix from December, 2013 to April, 2015 and he has also committed carnal intercourse against the order of nature 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 the offence in

question. He would further submit that FIR has been lodged on 18/06/2015 after inordinate delay of two years and prosecutrix is major woman. He would further submit that it is a case of false implication as prosecutrix's father has taken Rs. 75,000/- from the applicant and on being demanded, she has been falsely implicated the applicant. He would lastly submit that applicant is in jail since 20/06/2015, therefore, he may be released on bail.

4. Learned State counsel would oppose the prayer for grant of bail and submit that statement of the prosecutrix has been recorded under Section 164 of the Cr.P.C., in which, she has clearly indicated sexual intercourse and carnal intercourse by the applicant against her wish.

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 fact that first rape is said to have been committed with the prosecutrix in the month of December, 2013 and FIR has been lodged on 18/06/2015; medical evidence available on record; statement of the prosecution witnesses; pretrial detention of the applicant w.e.f. 20/06/2015 and the fact that prosecutrix is major girl, aged about 21 years, 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

Tiwari