

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.3661 of 2015

Rupesh Sai, S/o Rajeshwar Sai, aged about 28 years, Caste Kanwar, R/o Sajbahar, Police Station Tapkara, District Jashpur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Tapkara, District Jashpur (C.G.)

---- Non-applicant

For Applicant:	Mr. J.K. Saxena, Advocate.
For Non-applicant:	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

03/08/2015

1. 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.34/2015, registered at Police Station Tapkara, Distt. Jashpur for the offence punishable under Sections 376 and 506 of the IPC.
2. Case of the prosecution, in brief, is that the applicant is said to have committed sexual intercourse with the prosecutrix, who is a major, for last ten years and lastly committed on 28-3-2015.
3. I have heard learned counsel for the parties and perused the case diary.
4. Learned counsel for the applicant submits that the applicant has not committed any offence, he has been falsely implicated in the case and he is in custody since 14-4-2015. He further submits that there is delay of ten years in lodging the FIR, the prosecutrix is a major and consenting party, there is no medical evidence and charge-sheet has already been filed.
5. On the other hand, learned State counsel opposes the bail application.

6. Taking into consideration the nature and gravity of offence, extent of delay in lodging the FIR, role of the present applicant, the fact that charge-sheet has already been filed and pre-trial detention of the applicant, 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