

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 4277 OF 2015**

Dharmendra Tamrakar S/o Ramjit Tamrakar aged about 28 years, Cast-Thathera, Vill Bajrang Nagar Kunkuri Thana and Tahsil Kunkuri, District Jashpur (C.G.) Civil and Revenue District Jashpur, District Jashpur (C.G.)

**---Applicant****Versus**

State of Chhattisgarh through Station House Officer, P.S. Kunkuri, Distt. Jashpur (C.G.)

**---Non-applicant**


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| For Applicant     | : | Mr. Manoj Chauhan, Advocate |
| For Non-applicant | : | Mr. Vivek Singhal, P.L.     |

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**Hon'ble Shri Justice Sanjay K. Agrawal****Order on Board****24/08/2015**

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. 67/2015, registered at Police Station Kunkuri, District Jashpur (C.G.), for the offence punishable under Section 376 of IPC.

2. Case of the prosecution, in brief, is that present applicant is alleged to have committed sexual intercourse with the prosecutrix on 10/04/2013 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 this case. He would further submit there is delay of 20 days in lodging the FIR as the FIR was lodged on 30/04/2015 and there is no explanation for delay. He would

lastly submit that charge sheet has been filed and applicant is in jail since 01/05/2015 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; statement of prosecutrix under Section 164 of the Cr.P.C.; charge sheet has been filed and applicant is in jail since 01/05/2015, 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