

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4448 OF 2015**

Tribhuwan Singh son of Nandkeshwar Singh, aged about 25 years, Caste Rautiya, resident of village Ichkela, Tahsil and District Jashpur, C.G.

---Applicant**Versus**

State of Chhattisgarh through Station House Officer, Police Station Duldula, District Jashpur, C.G.

---Non-applicant

For Applicant	:	Mr. J.K. Saxena, Advocate
For Non-applicant	:	Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****01/09/2015**

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. 56/2015, registered at Police Station Duldula, District Jashpur (C.G.), for the offence punishable under Sections 363, 366, 376, 344 of IPC.

2. Case of the prosecution, in brief, is that, on 04/02/2015, applicant abducted the prosecutrix and committed sexual intercourse with her by wrongfully confining her 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 that prosecutrix is Government Servant and regularly worked on the post of Auxiliary Nurse Midwifery from 04/02/2015 till the date of lodging of FIR i.e. 30/06/2015. He would further submit that there is no

reason of lodging the FIR on 30/06/2015 with delay of four months. He would also submit that applicant has already married with the prosecutrix. He would lastly submit that charge sheet has been filed and applicant is in jail since 02/07/2015 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; considering the fact that prosecutrix is woman and worked on the post of Auxiliary Nurse Midwifery; charge sheet has been filed and applicant is in jail since 02/07/2015, 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