

HIGH COURT OF CHHATTISGARH, BILASPUR

Misc. Criminal Case No.4431 of 2015

Lalit Swami, S/o Shri Sanmugam Swami, aged about 24 years, R/o Babadeep Singh Nagar, Plot No.13, Bhilai, Distt. Durg (Chhattisgarh)

---- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Khamtarie, Distt. Raipur (Chhattisgarh)

---- Non-applicant

For Applicant:	Mr. Sourabh Sharma, Advocate.
For Non-applicant:	Mr. Qamrul Aziz, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

31/08/2015

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.236/2015 (Criminal Case No.10489/2015 pending in the Court of Additional Chief Judicial Magistrate, Raipur), registered at Police Station Khamtarie, Distt. Raipur, for the offence punishable under Sections 376 & 506 of the IPC.
2. Case of the prosecution, in brief, is that the applicant is alleged to have committed sexual intercourse with the major prosecutrix on 12-6-2015 at 1 p.m. and thereby committed the offence.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case, as FIR was lodged on 24-6-2015 and there is no explanation of delay in lodging the report. The major prosecutrix is a married woman, but she has not ever informed about the incident to her husband and there is no statement of

husband of the prosecutrix even under Section 161 of the CrPC. There is no medical evidence supporting the plea of the prosecution of rape. The applicant is in jail since 27-6-2015 and charge-sheet has been filed.

4. On the other hand, learned State counsel opposes the application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, extent of delay in lodging the FIR, absence of statement of husband of the prosecutrix, pre-trial detention of the applicant and the fact that charge-sheet has been filed, 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