

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4515 of 2015**

- Shivratan Agrawal, S/o Shri Omprakash Agrawal, aged about 35 years, Proprietor Mobile Fun, R/o Agrasen Chowk, Korba, P.S.-City Kotwali, Korba, Tahsil & Civil & Revenue Distt. Korba (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Put Post Rampur, Police Station – Kotwali, Korba, Distt. Korba (C.G.)

---- Non-applicant

For Applicant:	Shri Awadh Tripathi, Advocate.
For Non-applicant:	Shri S.R.J. Jaiswal, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****02/09/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 328/2015 registered at Police Station Out Post Rampur, Kotwali, Distt. Korba (C.G.) for the offence punishable under Section 376 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that applicant is alleged to have committed sexual intercourse with the prosecutrix from 4.8.2014 to the date of lodgment of the FIR i.e. 4.8.2015 and, thereby, committed the aforesaid offences.

(3) Counsel for the applicant submits that the applicant and the prosecutrix were living in relationship for last one year and the prosecutrix is major and consenting party to the act of the applicant and, as such, false report has been lodged against the applicant and there is no medical evidence available on record to connect the applicant with the crime in question and the applicant is in jail since 18.08.2015; and the substantial investigation has already been made and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case, further considering the extent of delay in lodging the FIR; substantial investigation has already been made; and no custodial interrogation is required; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-