

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4516 of 2015**

Vijay Giri S/o Tosak giri, aged about 26 years, R/o Village – Jheradih Harshadand, P.S. & Tahsil Bataouli, Distt.Surguja Present Address Namnakala Behind Arora Tiles, Ambikapur, P.S. & Tahsil – Ambikapur, Distt.Surguja (CG)

---Applicant**Versus**

State of Chhattisgarh, through, Station House Officer, Police Station-Batauli, Distt.Surguja (CG)

---Non-applicant

For Applicant	:	Mr. Awadh Tripathi, Advocate
For Non-applicant	:	Mr. Anupam Dubey, Dy.Govt.Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****08/09/2015**

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.60/2015, registered at Police Station-Batauli, District-Surguja (C.G.), for the offence punishable under Sections 363 and 376 of the IPC.
2. Case of the prosecution, in brief, is that on 11.5.2015 the applicant abducted the prosecutrix and thereafter committed forcefully sexual intercourse with her and, thereby committed the aforesaid offence. .
3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question as the F.I.R. was lodged on 17.5.2015 and incident took place on 11.5.2015 and there is no reasonable explanation of delay in lodging the F.I.R. He would further submit that witness Dilmohan has seen the prosecutrix sitting with the applicant on 12.5.2015 i.e. next day of the incident, which makes the prosecution story doubtful. He would also submit that the applicant is in jail

since 19.5.2015 and charge-sheet has already been filed, and therefore, he may be released on regular 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 lodgment of the F.I.R., taking note of the fact that the prosecutrix was major, statement of Dilmohan, pre-trial detention of the applicant and the fact that charge-sheet has already been filed, this Court is of the opinion that present is a 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

B/-