

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4578 of 2015**

Dinesh Sahu S/o Shri Ramesh Sahu, aged about 25 years, R/o Santoshi Nagar, In front of Khamtarai School, Khamtarai, P.S. – Khamtarai, Raipur, Tahsil & Civil & Revenue Distt.Raipur (CG)

---Applicant

Versus

State of Chhattisgarh, through, Station House officer, Khamtarai, Raipur, Distt.Raipur (CG)

---Non-applicant

For Applicant	:	Mr. Awadh Tripathi, Advocate
For Non-applicant	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

07/09/2015

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.460/2014, registered at Police Station-Khamtarai, District-Raipur (CG), for the offence punishable under Sections 342 and 376 of the IPC.

2. Case of the prosecution, in brief, is that on 12.12.2014 the applicant wrongfully confined the prosecutrix and 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. He would further submit that the prosecutrix was major and consenting party and statements of the prosecutrix and her sister Megha Namdeo have already been recorded before the trial Court in which they have supported the case of the prosecution rather supported the case of defence by stating that she was consenting party on such sexual intercourse on

12.12.2014. He would also submit that the applicant is in jail since 14.12.2014 and as the trial has also been commenced, no useful purpose would be served by detaining the applicant in jail and therefore, may be enlarged on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and point out the medical evidence in which there is injury on the private part of the prosecutrix which demonstrates that the applicant has committed forcefully sexual intercourse with her.

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 the prosecutrix before the trial Court, also considering the fact that as trial has also been commenced, no further interrogation is required and the applicant is in jail since 14.12.2014, 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/-

