

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.4639 of 2015

Mahendra Mandavi, S/o Sarjoram Mandavi, aged about 21 years, R/o Village Kherthadih, Police Station and Tahsil Balod, Civil and Revenue District Balod, District Balod (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, police of Police Station Balod, District Balod (C.G.)

---- Non-applicant

For Applicant:	Mr. Anil Gulati, Advocate.
For Non-applicant:	Mr. Neeraj Pradhan, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

07/09/2015

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.209/2015, registered at Police Station Balod, Distt. Balod, for the offence punishable under Section 376 of the IPC.
2. Case of the prosecution, in brief, is that the applicant is alleged to have committed forceful sexual intercourse with the prosecutrix from 26-12-2014 to 3-5-2015, 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 crime, in fact, the prosecutrix is major and consenting party which is apparent from the written report made to the police, as such, there is no medical evidence to connect the applicant with the crime in question. The applicant is in jail since 15-5-2015 and charge-sheet has already 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, age of the prosecutrix, role of the present applicant, extent of delay in lodging the FIR which has been lodged on 14-5-2015 and the offence is said to have committed from 26-12-2014 to 3-5-2015, pre-trial detention of the applicant and the fact that charge-sheet has already been filed, I am of the view that it is a fit case to grant regular bail to the applicant. 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