

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 4680 OF 2015**

Rajesh Ram son of Ramdev Ram, aged about 28 years, Caste Rautiya,
resident of Village Keradih, Police Station Narayanpur, District Jashpur (C.G.)

---Applicant**Versus**

State of Chhattisgarh Through : Station House Officer, Police Station
Narayanpur, District Jashpur (C.G.)

---Non-applicant

For Applicant	:	Mr. J.K. Saxena, Advocate
For Non-applicant	:	Mr. Qamarul Aziz, P.L.

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

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. 61/2015, registered at Police Station Narayanpur, District Jashpur (C.G.), for the offence punishable under Section 376 of Indian Penal Code.

2. Case of the prosecution, in brief, is that, present applicant repeatedly committed sexual intercourse with the prosecutrix from year, 2007 till the date of lodgment of FIR and thereby committed aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in offence in question. He would further submit that there is delay of 8 years in lodging FIR and there is no explanation for delay in lodging FIR. He would further submit that prosecutrix is major and consenting party. He would lastly submit

that charge sheet has been filed and applicant is in jail since 29/06/2015 therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that on the pretext of marriage applicant committed sexual intercourse with the prosecutrix.

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; age of the prosecutrix; extent of delay in lodging FIR; pretrial detention of the applicant and charge sheet has already been filed, this Court is of the opinion that present is the 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 trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE