

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No. 3007/2015**

Santosh S/o Gangaram, aged about 30 years, Resident of village Gunderdehi, P.S. and Tahsil Gunderdehi, District Balod (C.G.)

---Applicant**Versus**

State of Chhattisgarh Through Police Station Gunderdehi, District Balod (Chhattisgarh).

---Non-applicant

For Applicant	:	Mr. Avinash K. Mishra, Advocate
For Non-applicant	:	Mr. S.R.J. Jaiswal, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****01/07/2015**

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. 132/2015, registered at Police Station Gunderdehi, District Balod (Chhattisgarh), for the offence punishable under Section 376 of I.P.C.

2. Case of the prosecution, in brief, is that on 02/05/2015 applicant forcibly committed sexual intercourse with the prosecutrix and thereby committed offence.

3. Learned counsel for the applicant would submit that applicant had extramarital relationship with the prosecutrix, who is married woman, aged about 28 years, as such, he has been falsely implicated in the offence in question. He referred to the statement of husband-Gopinath of the prosecutrix. He would lastly submit that applicant is in jail since 04/05/2015

and charge sheet has been filed, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State referring to the statement of prosecutrix and would submit that it is a case of forcible intercourse.

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 husband-Gopinath of prosecutrix and pretrial detention of the applicant, 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 concerned trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE