

HIGH COURT OF CHHATTISGARH, BILASPUR

Misc. Criminal Case No.3109 of 2015

Ramnaresh Lakda, S/o Rama Lakda, aged about 26 years, Occupation Service, R/o Village Darridih, PS & Tahsil Lundra, Distt. Sarguja (CG)

---- Applicant

Versus

State of Chhattisgarh, Through the Station House Officer, Police Station Kotwali, Distt. Ambikapur (CG)

---- Non-applicant

For Applicant:	Mr. Jitendra Shrivastava, Advocate.
For Non-applicant:	Mr. Qamrul Aziz, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

06/07/2015

1. Heard.
2. 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.284/2015 registered at Police Station Kotwali, Ambikapur, for the offence punishable under Section 376 of the IPC.
3. Case of the prosecution, in brief, is that the applicant is alleged to have committed sexual intercourse with the prosecutrix on 30-6-2012 and repeatedly thereafter till the date of FIR i.e. 10-6-2015 and thereby committed the offence.
4. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case. The prosecutrix is aged about 23 years, she is major and consenting party, as such, the applicant is in jail from 14-6-2015 and charge sheet is yet to be filed. Case of the prosecution is not supported by medical evidence.
5. On the other hand, learned State counsel would oppose the application by

submitting that on the pretext of marriage, the applicant has committed sexual intercourse with the prosecutrix.

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, medical evidence available on record and pre-trial detention of the applicant, I am of the view that it is a fit case to enlarge the applicant on regular bail. 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