

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.3838 of 2015**

Dhananjay Kumar Gupta S/o Shri Ram Kishun Sao, aged about 25 years,
R/o village Navinagar Ward No.10, P.S. Navinagar, Distt.Aurangabad Bihar,
at present R/o Village Gopalpur, P.S. Rajpur, Distt.Balrampur Civil
Distt.Surguja (CG)

---Applicant**Versus**

State of Chhattisgarh Through Police Station In charge Police Station
Rajpur, Distt.-Balrampur, Civil Distt.-Surguja (CG)

---Non-applicant

For Applicant	:	Mr. Bhupendra Singh, Advocate
For Non-applicant	:	Mr. S. Awasthy, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****18/08/2015**

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.40/2015, registered at Police Station-Rajpur, Distt.Balrampur (C.G.), for the offence punishable under Sections 450 and 376 of the IPC.

2. Case of the prosecution, in brief, is that on 17.3.2015 at about 10 p.m. the applicant entered into the house of the prosecutrix and committed 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 there is delay of four days in lodging the F.I.R. and at the time of incident with the prosecutrix, her daughter and

son were present, therefore, the story, as projected by the prosecution, is improbable and it is also evident that the prosecutrix has demanded money and as the applicant refused to give money, false report has been lodged, in which the applicant is in jail since 21.3.2015 and charge-sheet has already been filed.

4. On the other hand, learned counsel for the State would oppose the bail application.

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; role of the present applicant; statement of the prosecutrix, pre-trial detention of the applicant and also considering the fact that 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 concerned trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-