

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.3869 of 2015**

Rajesh @ Raja Sahu, son of Lakhan Lal Sahu, aged about 22 years, R/o. Village Sindhari, Chowki Lavan, P.S. Kasdol, District Balodabazar-Bhatapara (CG)

---Applicant

Versus

State of Chhattisgarh, Through: Station House Officer, P.S. Kasdol, District Balodabazar-Bhatapara (CG)

---Non-applicant

For Applicant	:	Mr. Yogesh Chandra, Advocate
For Non-applicant	:	Mr. Ramakant Mishra, Dy.Advocate General

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****11/08/2015**

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.185/2015, registered at Police Station-Kasdol, District Balodabazar-Bhatapara (CG), for the offence punishable under Sections 376 and 506 of the IPC.

2. Case of the prosecution, in brief, is that the present applicant alleged to have committed sexual intercourse with the prosecutrix repeatedly from 2011 to 16.3.2015 on the pretext of marriage and also threatened her to kill if the report is lodged.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in this case. He would further submit that the F.I.R. has been lodged on 19.4.2015, age of the prosecutrix is 20 years and she was declined to undergo on medical test.

Delay in lodging the report by a major prosecutrix and declining to undergo on medical test would go to show that the applicant has not committed any offence and she was consenting party, if any. He would also submit that the applicant is in jail since 16.6.2015 and charge-sheet has already been filed, therefore, he may be released on bail.

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, extent of delay in lodging the F.I.R. 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/-

