

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4074 of 2015**

Jagdev S/o Shri Bhoya, aged about 56 years, Resident of Village – Tripuri, P.S.
Kusmi, District-Balrampur-Ramanujganj (CG)

---Applicant**Versus**

State of Chhattisgarh Through – Police Station Kusmi, District Balrampur-
Ramanujganj (CG)

---Non-applicant

For Applicant	:	Mr. A.K.Yadav, Advocate
For Non-applicant	:	Mr. S.R.J.Jaiswal, 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.126/2014, registered at Police Station-Kusmi, District Balrampur-Ramanujganj (C.G.), for the offence punishable under Sections 376 and 450 of the IPC.
2. Case of the prosecution, in brief, is that on 17.12.2014 at about 3 a.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 story made by the prosecution is improbable as it is alleged that the applicant in presence of husband of the prosecutrix found committing sexual intercourse with her. He would also submit that the applicant is in jail since 21.12.2014 and charge-sheet has already been filed, therefore, he may be released on regular 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; role of the present applicant; the fact that the applicant is in jail since 21.12.2014; 161 statement of the prosecutrix; medical evidence; extent of delay in lodging the F.I.R. and pre-trial 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

B/-