

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC NO. 4193 of 2015**

Lekhan Nagrachi, S/o Gokulram Nagrachi, aged about 45 years, R/o-Village-Morikhurd (Nari), Post Office & Police Station – Kurud, District – Dhamtari (CG)

---Applicant

Versus

State of Chhattisgarh through the Station House Officer, Police Station – Kurud, District-Dhamtari (CG)

---Non-applicant

For Applicant	:	Mr. Shivendu Pandya, Advocate
For Non-applicant	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board**24/08/2015**

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.236/2015, registered at Police Station-Kurud, Distt.Dhamtari (C.G.), for the offence punishable under Sections 376 and 506 of the IPC.

2. Case of the prosecution, in brief, is that the applicant is alleged to have committed sexual intercourse with the prosecutrix on 2.3.2015 and thereby committed the aforesaid offence.

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 F.I.R. was made on 2.7.2015, whereas the date of incident is 2.3.2015, the applicant is in jail since 2.7.2015 and there is no explanation of delay in lodging the F.I.R., therefore, he may be released on

bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that the prosecutrix could not lodge the F.I.R. on account of her marriage on 1.5.2015 and thereafter she has lodged the F.I.R. on 2.7.2015.

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., 161 statement of the prosecutrix 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/-