

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 4673 OF 2015**

Kunj Bihari Ram son of Asaru Ram, aged about 25 years, Caste Mahkul, resident of Village Pandripani, Police Station and Tahsil Kunkuri, District Jashpur (C.G.)

---Applicant

Versus

State of Chhattisgarh Through : Station House Officer, Police Station Kunkuri, District Jashpur (C.G.)

---Non-applicant

For Applicant	:	Mr. J.K. Saxena, Advocate
For Non-applicant	:	Mr. Neeraj Kumar Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****09/09/2015**

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. 111/2015, registered at Police Station Kunkuri, District Jashpur (C.G.), for the offence punishable under Section 376 of Indian Penal Code and Section 3(2)(5) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

2. Case of the prosecution, in brief, is that, present applicant is said to have committed sexual intercourse with the prosecutrix repeatedly for last four years till the lodgment of FIR i.e. 23/06/2015 and thereby committed aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in offence in

question. He would further submit that prosecutrix is major and consenting party and the last date on which rape is said to have been committed on 24/05/2015 whereas FIR lodged on 23/06/2015 and there is no explanation for delay in lodging of FIR as prosecutrix is major aged about 26 years. He would lastly submit that charge sheet has been filed and applicant is in jail since 22/06/2015 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; her statement recorded under Section 164 of the Cr.P.C. pretrial detention of the applicant; extent of delay in lodging FIR and 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 trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE