

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1427 of 2015**

1. Chandrashekhar Nirala @ Ravi s/o. Balvan (wrongly mention as Baldan in order sheet) age 20 years, occupation – Labour, r/o. Jailpara, Jutemill, Raigarh, P.S. Jute Mill, Tahsil Raigarh, District Raigarh (CG).

---- Applicant

Versus

1. State of Chhattisgarh, Through SHO. Chowki-Jute Mill, P.S. Kotwali, District Raigarh (C.G.)

---- Respondent

For Applicant	:	Mr. Amit Kumr Sharma, Advocate.
For Respondent/State	:	Mr. Neeraj Pradhan, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****29/06/2015**

1. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 7-3-.2015 in connection with crime No. 181 of 2015 registered at Police Station -Chowki Jute Mill, P.S. Kotwali, Distt. Raigarh, for the offence punishable under Sections 376, 506 and 313 of the IPC.
2. The case of the prosecution, in brief, is that the present applicant continuously committed sexual intercourse with prosecutrix against her will since 2013 till the date of lodging the first information report i.e., 5-3-2015, when she became pregnant subjected to her abortion by force and thereby he committed the aforesaid offence.
3. Learned counsel appearing for the applicant would submit that the applicant has not committed any offence and he has been falsely implicated in the case. He would further submit that the prosecutrix was major and consenting party. There was delay of more than one year in lodging the first information report. Charge-sheet has been filed in the case, applicant is in jail since 7-3-2015 and no further custodial interrogation of the present applicant is required by the prosecution, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposed the bail application.
5. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence, role of the present applicant in offence in question, charge-sheet has been filed, pre-trial detention of the applicant and further taking into consideration the extent of delay in lodging the first information report, I am of the considered opinion that *prima facie* it is a fit case where the applicant can be released on bail.
6. Accordingly, the application is allowed. It is ordered that the applicant shall be released on bail on his furnishing a personal bond of Rs.25,000/- along with one surety of the like amount to the satisfaction of the trial Court. He shall appear before the trial court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE

Raju