

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 3043 OF 2015**

Tuleshwar Dadsena son of Nayan Singh, aged about 25 years, Caste Kalar,
R/o Bahirkela, P.S. and Tahsil Gharghoda, District Raigarh (C.G.)

---Applicant**Versus**

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

---Non-applicant

For Applicant	:	Ms. Hamida Siddiqui, Advocate
For Non-applicant	:	Mr. Neeraj Pradhan, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****02/07/2015**

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. 134/2014, registered at Police Station Patthalgaon, District Jashpur (C.G.), for the offence punishable under Sections 376, 506-II & 313 of Indian Penal Code.

2. Applicant is said to have raped the prosecutrix on 02/01/2014, thereafter on 14/02/2015, he took to the prosecutrix to one room and kept her for three days and was committed continuous rape, as a result of which, she became pregnant and thereafter, subjected her to abortion.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in this case. She would further submit that there is delay in lodging of First Information Report as the incident committed on 02/01/2014 and First Information Report lodged

on 26/09/2014 and the fact of abortion is not supported by medical evidence. She would lastly submit that charge sheet has been filed and applicant is in jail since 24/04/2015, 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; extent of delay in lodging First Information Report, role of the present applicant, pretrial detention of the applicant 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 concerned trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE

