

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 3237 of 2015

- Nitin Kaushik, aged 27 years, s/o. Vedprakash Kaushik, r/o. Village Kartala, P.S. Kartala, Tehsil, Civil & Revenue District Korba (CG).

---- Applicant

Versus

- State Of Chhattisgarh Through: Station House Officer, Police Station Kartala, District Korba (CG).

---- Respondent

For Applicant	:	Mr. Anand Shukla, Advocate.
For Respondent/State	:	Mr. S.R.J. Jaiswal, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

13/7/2015

1. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail, who has been arrested on 13-04-2015 in connection with Crime No. 68 of 2015 registered at Police Station Kartala, District Korba (CG), for the offence punishable under Section 376 of IPC.
2. The case of the prosecution, in brief, is that the present applicant is alleged to have committed sexual intercourse with the prosecutrix against her will since December, 2012 till her marriage i.e., 20-5-2014 and thereby he committed the aforesaid offence.
3. Learned counsel appearing for the applicant would submit that the offence is alleged to have committed in December 2012, prosecutrix got married with another person on 20-5-2014, first information report was lodged in Police Station on 13-4-2015 and divorce took place between the prosecutrix and her husband. He would further submit that there was delay of three years in lodging the first information report and no explanation was offered for causing delay in lodging the first information as the prosecutrix is a major woman. He would further submit that charge-sheet has been filed, the applicant is in jail since 13-4-2015 and

no useful purpose would be served by keeping him in jail, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard the counsel appearing for the parties and perused the case diary.
6. Taking into consideration all the facts and circumstances of the case, nature and gravity of the offence, material collected by the prosecution, pre-trial detention of the applicant, medical evidence available on record, role of the present applicant, and considering 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.
7. 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