

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.3901 of 2015**

Mohd.Naushad son of Mohd. Hussain, aged about 27 years, R/o. Mominpur,
Ambikapur, P.S. Ambikapur, District Surguja (CG)

---Applicant**Versus**

State of Chhattisgarh, Through Station House Officer-Police Station,
Ambikapur, District Surguja (CG)

---Non-applicant

For Applicant	:	Mrs. Hamida Siddique, Advocate
For Non-applicant	:	Mr. Vivek Shinghal, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****25/08/2015**

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.138/2015, registered at Police Station-Ambikapur, Distt.Surguja (C.G.), for the offence punishable under Sections 506-B, 376 (2) (Cha) of the IPC Section 4, 5 (Dha) and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution, in brief, is the applicant has committed sexual intercourse with the prosecutrix six months prior to lodging of the F.I.R. i.e. on 20.3.2015 and thereby committed the aforesaid offence.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in offence in question, which is apparent from the F.I.R. and written report. He would further submit that there is delay of six months in lodging the F.I.R., as the date of commission of offence of rape is neither indicated in the F.I.R. nor in the written report and there is no medical evidence to support her claim. She would also

submit that in fact, there is marriage between the parties, the applicant is in jail since 20.3.2015 and charge-sheet has already been filed, therefore, he may be released on regular 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; role of the present applicant; extent of delay in lodging the F.I.R.; pre-trial detention of the applicant, charge-sheet has already been filed and no medical evidence, 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/-