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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4433 of 2015**

Anand Sai Painkara, S/o Kisun Sai Painkara, aged about 42 years, Caste Kanwar, Occupation – Agriculturist, R/o Village – Pemla, Thana-Bagbahar, Tahsil-Pathalgaon, Civil & Revenue, Distt. Jashpur, Distt.-Jashpur (C.G.)

---- Applicant

Versus

State Of Chhattisgarh Through: P.S. -Bagbahar, Distt. Jashpur (C.G.)

---- Non-applicant

For Applicant: Ms. Sharmila Singhai, Advocate.

For Non-applicant: Mr. Qamrul Aziz, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****01/09/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 86/2015 registered at Police Station Bagbahar, Distt. - Jashpur for the offences punishable under Sections 376 & 506 part-II of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that on 20.5.2015 at 11 pm applicant committed sexual intercourse with the prosecutrix against her will and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that the prosecutrix is earlier married with the applicant and, thereafter, started living with one Jagar Sai and when the said Jagar Sai refused to keep her then a false report has been lodged by the prosecutrix against the applicant on 1.6.2015 i.e. after delay of 11 days, in which, he has been arrested on 02.06.2015 and since then he is in custody

and the trial has already commenced and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case; and looking to the nature & gravity of the offence; and relationship was existing between prosecutrix and the applicant; further considering his pre-trial detention; charge sheet has already been filed and the trial has already been commenced; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to 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

D/-

