

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.4482 of 2015

Hari Singh, S/o Krodhanand Gond, aged about 25 years, Panchayat Karmi (secretary), Gram Panchayat Sontarai, R/o Sonatarai, Police Station Udaypur, District Surguja, presently residing at Baskepi, Police Station Chando, Civil and Revenue District Balrampur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police of Police Station City Kusmi, District Balrampur (C.G.)

---- Non-applicant

For Applicant:	Mr. Awadh Tripathi, Advocate.
For Non-applicant:	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

01/09/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.60/2015, registered at Police Station Kusmi, Distt. Balrampur, for the offence punishable under Sections 376 (2) (a) of the IPC, 7 (a) and 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the applicant repeatedly committed forceful sexual intercourse with the prosecutrix from 22-4-2012 to 7-7-2015 till lodging of FIR, and thereby committed the offence.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has been falsely implicated in the crime in question. He would further submit that the prosecutrix is major and consenting party, later on, the applicant married the prosecutrix on 22-2-

2015 and thereafter, false report has been lodged which has also been investigated by the Sub Divisional Officer (Police), Kusmi who submitted its report to the Superintendent of Police, Balrampur on 31-7-2015 in which it has clearly been held that the FIR is false and the prosecutrix has lodged false report upon the applicant, as such, there is inordinate delay of three years in lodging the FIR and in connection of which the applicant has been arrested on 10-7-2015.

4. On the other hand, learned State counsel would oppose the bail application.
5. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, extent of delay in lodging the FIR, age of the prosecutrix, enquiry made by the SDO (Police) on the complaint made by the complainant and submission of report by him to the SP, this Court is of the view that it is a fit case to grant regular bail to the applicant. Accordingly, the application is allowed.
6. It is, therefore, directed that the applicant be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge