

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 4548 OF 2015**

Chandrahas @ Raju Sahu, Age about 29 Years, S/o Late Shri Daulal Sahu,
R/o Village Tarighat, P.S. Rajim, District (Revenue) Gariyaband, District (Civil)
Raipur (C.G.)

---Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Rajim,
District Gariyaband (C.G.)

---Non-applicant

For Applicant	:	Mr. Yogesh Pandey, Advocate
For Non-applicant	:	Mr. Vivek Singhal, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****02/09/2015**

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. 129/15, registered at Police Station Rajim, District Gariyaband (C.G.), for the offence punishable under Sections 456, 376, 506 of Indian Penal Code.

2. Case of the prosecution, in brief, is that, applicant has allegedly entered into the house of the prosecutrix on 20/04/2015 and committed forcible sexual intercourse with her.

3. Learned counsel for the applicant would submit that prosecutrix is major woman and she has been falsely implicated present applicant as there is love affair between applicant and prosecutrix and her husband has noticed the said affair which is apparent from the fact that FIR has been lodged on

29/06/2015. He would further submit that charge sheet has been filed and applicant is in jail since 13/07/2015 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; statements of Rambhagat, Jiwan and Hemuram; extent of delay in lodging FIR; 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 trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE