

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 4546 OF 2015**

Jagatpal, S/o Nohar Singh, aged about 20 years, Caste Kanwar, R/o Village Kolbari (Danganiya) Police Station Katghora, District Korba, Civil & Revenue District Korba (C.G.)

---Applicant

Versus

The State of Chhattisgarh, Through S.H.O., Police Station Pali, District Korba (C.G.)

---Non-applicant

For Applicant	:	Mr. A.K. Prasad, Advocate
For Non-applicant	:	Mr. Aditya Sharma, 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. 72/2015, registered at Police Station Pali, District Korba (C.G.), for the offence punishable under Section 376 of Indian Penal Code.

2. Case of the prosecution, in brief, is that, applicant have allegedly committed forcible intercourse with the prosecutrix on 26/12/2014 to 13/04/2015 and thereby committed aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has falsely been implicated as family members of the prosecutrix was forcing applicant to marry with the prosecutrix which the applicant could not do as he was minor. He would further submit that applicant has made complaint on

18/04/2015 and on 25/04/2015 Judicial Magistrate First Class, Katghora passed an order under Section 13 of the Child Marriage Prohibition Act, 2006 restraining prosecutrix's father and mother to marry with the applicant thereafter FIR came to be lodged on 05/05/2015 and in which he has been arrested on 05/05/2015. He would lastly submit that charge sheet has been filed therefore, applicant 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; extent of delay in lodging FIR; dispute pending between parties; 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