

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4594 of 2015**

Sighan Prajapati S/o Rueeya, aged about 30 years, R/o Jamhor, PS
Shankargarh, Distt.Balrampur-Ramanujganj (CG)

---Applicant**Versus**

State of Chhattisgarh Through the Station House officer, Police Station
Shankargarh, Dist. Balrampur-Ramanujganj (CG)

---Non-applicant

For Applicant	:	Mr. Jitendra Shrivastava, Advocate
For Non-applicant	:	Mr. Vivek Shinghal, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****07/09/2015**

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.61/2015, registered at Police Station-Shankargarh, District-Balrampur Ramanujganj (CG), for the offence punishable under Sections 376 and 450 of the IPC.

2. Case of the prosecution, in brief, is that on 23.5.2015 the applicant unauthorizedly entered into the house of the prosecutrix and committed forcefully sexually intercourse with her 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 crime in question. He would further submit that the prosecutrix was major and consenting party, which is apparent from the fact that there is delay of two days in lodging the F.I.R. as the incident took place on 23.5.2015 and F.I.R. was lodged on 25.5.2015, there is no delay of lodging the F.I.R. as husband of the

prosecutrix immediately came to the house of the same day and there is no medical evidence against the applicant, he is in jail since 26.5.2015 and charge-sheet has already been filed and therefore, he may be enlarged 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; role of the present applicant, extent of delay in lodging the F.I.R., his pre-trial detention, no medical injury and the fact that charge-sheet has already been filed, this Court is of the opinion that present is a 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/-