

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.4795 of 2015

Uditnarayan Chandra, S/o Piladau Chandra, aged about 35 years, R/o Village Hardidih, Police Station Jaijaipur, District Janjgir-Champa (C.G.)
 ---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Jaijaipur, District Janjgir-Champa (C.G.)
 ---- Non-applicant

For Applicant:	Mr. Gurudev I. Sharan, Advocate.
For Non-applicant:	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

14/09/2015

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.163/2015, registered at Police Station Jaijaipur, Distt. Janjgir-Champa, for the offence punishable under Sections 376, 456 of the IPC and 3 (1) (xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Case of the prosecution, in brief, is that on 15-6-2015, the applicant unauthorizedly entered into the house of the prosecutrix and committed sexual intercourse with her knowing fully well that she is a member of Scheduled Caste.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the crime in question. He further submits that false case has been registered against the applicant which is apparent from the fact that the alleged incident dated 15-6-2015 was reported on 1-7-2015 in writing and FIR was lodged on 3-8-

2015 pursuant to the written report dated 1-7-2015. There is no medical evidence supporting the case of the prosecution. The applicant is in jail since 4-8-2015. Charge-sheet has been filed.

4. On the other hand, learned State counsel opposes the application and submits that on the pretext of employing the prosecutrix as Anganwadi Karyakarta, the applicant has committed sexual intercourse with her.
5. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, extent of delay in FIR, charge-sheet has already been filed, age of the prosecutrix, medical evidence available and pre-trial detention of the applicant, I am of the view that it is a fit case to enlarge the applicant on regular bail. 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