

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4789 of 2015**

Patiraj S/o Surajdin Cherwa, aged about 58 years, R/o village Salganwakhurd, out post Ramgarh, Police Station and Tahsil Sonhat, Civil and Revenue District Korea, District Korea (CG)

---Applicant

Versus

State of Chhattisgarh Through: Station House Officer, out post Ramgarh, Police Station-Sonhat, District-Korea (CG)

---Non-applicant

For Applicant	:	Mr. Anil Gulati, Advocate
For Non-applicant	:	Mr. Anupam Dubey, Deputy Government Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

14/09/2015

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.28/2015, registered at Out Post-Ramgarh, Police Station-Sonhat, District-Korea (C.G.), for the offence punishable under Sections 366 and 376 of the IPC.
2. Case of the prosecution, in brief, is that on 9.5.2015 the applicant abducted the prosecutrix and thereafter committed sexual 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 (55 years) and there is delay of ten days in lodging the F.I.R. as the incident took place on 9.2.2015 and F.I.R. was lodged on 19.2.2015 and there is no medical evidence on connect the applicant in crime in question. He

would further submit that the applicant is in jail since 12.5.2015 and charge-sheet has already been filed and 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; the prosecutrix being a major; considering the extent of delay in lodging the F.I.R.; role of the present applicant; his pre-trial detention 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 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 trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-