

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5005 OF 2015**

Lalsharan S/o Nohar Lal Yadav aged about 26 years village Bundeli Khurd
Police Station Ghumka District Rajnandgaon (C.G.)

---Applicant

Versus

State of Chhattisgarh through the Police Station A.J.K. Rajnandgaon (C.G.)

---Non-applicant

For Applicant	:	Mr. Rakesh Pandey, Advocate
For Non-applicant	:	Mr. Anil Pandey, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board**22/09/2015**

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. 2/2015, registered at Police Station A.J.K. Rajnandgaon, District Rajnandgaon (C.G.), for the offence punishable under Sections 376, 294, 323/34, 506 B of IPC and Sections 3(1)(x), 3(2)(v) and 3(1)(xii) of SC/ST (Prevention of Atrocities) Act, 1989.

2. Case of the prosecution, in brief, is that applicant has committed forcible sexual intercourse with the major prosecutrix, who is member of Scheduled Caste in the month of December, 2014 and also abused & assaulted her and thereby committed aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has been falsely implicated in the offence in question, which is apparent from the fact that date of commission of offence has not been mentioned in the FIR as the FIR is absolutely vague and no charge can be framed in absence of date

of commission of offence in the FIR. He would further submit that FIR has been lodged on 04/06/2015 after delay of more than five months and there is no explanation of such delay. He would further submit that there is no medical evidence to support the charge. He would lastly submit that charge sheet has been filed and applicant is in jail since 08/06/2015 therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that present applicant has committed forcible sexual intercourse with the prosecutrix.

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 in offence in question; extent of delay in lodging FIR; charge sheet has already been filed and pretrial detention of the applicant, 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