

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC NO. 5233 of 2015**

Indrajeet Devnath S/o Jagdish, aged about 30 years, R/o Green Shop, Dafai Main Road, Haldibadi, Police Station Chirmiri, Civil and Revenue District – Korea, District – Korea (CG)

---Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, police of Police Station– Chirmiri, District Korea (CG)

---Non-applicant

For Applicant	:	Mr. Anil Gulati, Advocate
For Non-applicant	:	Mr. Varun Sharma, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****01/10/2015**

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.203/2015, registered at Police Station- Chirmiri, Distt.Korea (C.G.), for the offence punishable under Section 376 (द) of the IPC and Section 3 (2) (5) of the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act.

2. Case of the prosecution, in brief, is that the applicant repeatedly committed forceful sexual intercourse for one year with Scheduled Tribe major prosecutrix till 5.7.2015 and thereby committed the aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in this case. He would further submit that the prosecutrix was major and consenting party and there is no medical evidence, the applicant is in jail since 21.8.2015, charge-sheet has already been filed and no further interrogation is required 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; considering the medical evidence, statement of the prosecutrix, pre-trial detention of the applicant 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/-