

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5506 OF 2015**

Jaiprakash @ Prakash Tirkey S/o Budhram aged about 22 years Caste Uraon Occ. Agriculture R/o Gaguali Police Station Lundra District Sarguja Civil and Revenue District Sarguja (C.G.)

---Applicant

Versus

State of Chhattisgarh, Through Police Station Batauli (Wrongly motioned as Lundra) District Sarguja (C.G.)

---Non-applicant

For Applicant	:	Mr. A.K. Prasad, Advocate
For Non-applicant	:	Mr. Arvind Dubey, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****13/10/2015**

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. 71/2015, registered at Police Station Batauli District Sarguja (C.G.), for the offence punishable under Section 376(2)(n) of I.P.C.

2. Case of the prosecution, in brief, is that on the pretext of marriage, present applicant committed repeated sexual intercourse with the prosecutrix since April-2014 till the date of lodging the FIR.

3. Learned counsel for the applicant submits that present applicant has not committed any offence and has been falsely implicated in offence in question. He further submits that prosecutrix is major and consenting party as such, there is delay of one year in lodging the FIR. He further submits that

prosecutrix having love & affair with the applicant and no promise of marriage was given by the applicant to the prosecutrix. He lastly submits that charge sheet has been filed and applicant is in jail since 18/04/2015, therefore, the applicant may be released on regular bail.

4. On the other hand, learned counsel for the State opposes the prayer for grant of bail and submits that on the pretext of marriage, applicant committed sexual intercourse with the prosecutrix.

5. I have heard the counsel appearing for the parties and perused the case diary.

6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the present applicant in offence in question, pre-trial detention of the applicant; extent of delay in lodging the FIR and charge-sheet has already been filed, 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. It is ordered that the applicant shall be released on bail on his furnishing a personal bond of **Rs.25,000/-** along with one surety of the like amount to the satisfaction of the trial Court for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE