

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 429 of 2016**

Manoj Kumar @ Anil Kumar Sahu S/o Dhansai Sahu
aged about 22 years R/o Jhinpuripara Lakhanpur P.S. and
Tehsil Lakhanpur Civil and Revenue District Surguja
(C.G.)

---Applicant**Versus**

State of Chhattisgarh through Station House Officer
Police Station Lakhanpur Civil and Revenue District
Surguja (C.G.)

---Non-applicant

For Applicant	:	Mr. Shakti Raj Sinha, Advocate
For Non-applicant	:	Mr. Dhiraj Wankhede, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****03/02/2016**

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. 213/2014, registered at Police Station Lakhanpur, Civil and Revenue District Surguja

(C.G.), for the offence punishable under Sections 376, 506 of IPC.

2. Case of the prosecution, in brief, is that, two years prior to the date of lodging of FIR i.e. 03/11/2014 applicant committed sexual intercourse with the major prosecutrix on the pretext of marriage and thereby committed aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in crime in question. He would further submit complainant is major and consenting party; applicant has also married with the prosecutrix; they were staying together as husband and wife and false report has been lodged on 03/11/2014. He would also submit that charge sheet has been filed and applicant is in jail since 02/01/2016. He would lastly submit that no useful purpose would be served by detaining him in jail, 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; role of the prosecutrix; role of the present applicant in offence in question; charge sheet has already been filed and applicant is in jail since 02/01/2016, 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 concerned trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE