

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.523 of 2016**

Ajay Kumar Sahu, aged about 34 years, son of Babulal Sahu, resident of Village-Bartori, Police Station-Dharsinwa, District-Raipur (CG)

---Applicant

Versus

State of Chhattisgarh Through: Station House Officer, Police Station-Dharsinwa, District Raipur (CG)

---Non-applicant

For Applicant	:	Mr.K.K.Pandey, Advocate
For Non-applicant	:	Mr. Aditya Sharma, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

10/02/2016

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.258/2015, registered at Police Station-Dharsinwa, District-Raipur (CG), for the offence punishable under Sections 376, 506, 507/34 of the IPC.

2. Case of the prosecution, in brief, is that the applicant committed forcible sexual intercourse with the major prosecutrix one year prior to date of lodging of F.I.R. i.e.19.8.2015 and thereby committed the aforesaid offences.

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 there is delay of one year in lodging the F.I.R., whereas the prosecutrix was

major. The applicant is in jail since 20.8.2015, charge-sheet has already been filed and no further interrogation is required to be taken and therefore, the applicant 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 & circumstances of the case; further taking into consideration the nature & gravity of offence; age of the prosecutrix who was major on the date of offence; medical evidence; the fact that charge-sheet has already been filed and no further interrogation is required to be taken, 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 the 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/-