

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 554 of 2016**

- Makhanlal Sahu, aged about 35 years, S/o Sukluram Sahu, By caste- Teli, R/o Village Bhuigaon, Tahsil Charama Distt. Uttar Bastar, Kanker (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Charama, Distt. Uttar Bastar, Kanker (C.G.)

---- Non-applicant

For Applicant: Mr. Parag Kotecha, Advocate.
For Respondent/State: Mr. Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****11/02/2016**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 350/2015 registered at Police Station Charama for the offences punishable under Sections 376, 506, 342 & 376 (2)(n) of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that three months prior to the date of lodging of FIR i.e. 9.12.2015 applicant committed forcible sexual intercourse with the prosecutrix, who is aged about 25 years, against her will and thereby committed the

aforesaid offences.

(3) Counsel for the applicant submits that there is delay of three months in lodging the First Information Report and there is no reason for delay in lodging the FIR; the prosecutrix is major girl. He further submits that the applicant is in detention since 10.12.2015 and the charge sheet has already been filed and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case, further considering the extent of delay in lodging the FIR; and the facts that applicant is in jail since 10.12.2015 and the charge sheet has already been filed; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-

