

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.684 of 2016**

Sanjeev alias Sanju Sandilya, Age 20 years, S/o Domar Sandilya, R/o Village-Sadhauli, Police Station-Gariyaband, District-Gariyaband (CG)

---Applicant

Versus

State of Chhattisgarh Through Police Station Gariyaband

---Non-applicant

For Applicant	:	Mr.Shashi Kumar Kushwaha, Advocate
For Non-applicant	:	Mr. Dheeraj K. Wankhede, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

16/03/2016

1. Application for urgent hearing is allowed for the reasons mentioned in the application and matter is taken up for final hearing as the case diary is available.
2. 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.211/2015, registered at Police Station-Gariyaband, District-Gariyaband (CG), for the offence punishable under Sections 376 and 417 of the IPC.
3. Case of the prosecution, in brief, is that the applicant committed sexual intercourse with the major prosecutrix, one and half years prior to the date of lodgment of F.I.R. on 14.12.2015 on the pretext of marriage and thereby committed the offence.
4. 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 and half years in lodging the F.I.R., there is no medical evidence, the applicant is in jail since 16.12.2015 and charge-sheet has already been filed. Therefore, he may be released on bail.

5. On the other hand, learned counsel for the State would oppose the bail application.

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

7. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, role of the present applicant, extent of delay in lodging the F.I.R. the applicant is in jail since 16.12.2015 and charge-sheet has been filed, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. 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.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-