

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 601 of 2016**

Girja Marawi, son of Jai Singh Gond, aged about 23 years, occupation Agriculture, resident of village Sulsuli, P.S. Trikunda, Revenue District Balrampur, Civil District Sarguja, Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh: Through Station House Officer, P.S. Trikunda, District Balrampur, Chhattisgarh

-----Non-applicant

For Applicant: Mr. C.J.K. Rao , Advocate.
For Non-applicant/State: Mr. Avinash Singh, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****17/02/2016**

(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. 58/2015 registered at Police Station Trikunda, Distt. Balrampur for the offences punishable under Sections 450, 376(n) & 506 of Indian Penal Code.

(2) Case of the prosecution, in brief, is that in between 11.08.2014 to 10.10.2015 applicant repeatedly committed sexual intercourse with the major prosecutrix on the pretext of marriage and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that the prosecutrix is a major girl and she is consenting party to act of the applicant and,

as such, there is delay in lodging the FIR, which was registered on 10.10.2015 and there is no medical evidence against the applicant. He further submits that applicant is in jail since 11.10.2015; and, therefore, the applicant may be released on bail.

(4) On the other hand, learned 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 11.10.2015 and considering the age of the prosecutrix i.e. 20 years, 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/-